

Canada Statutes
1952-53
Vol. 1

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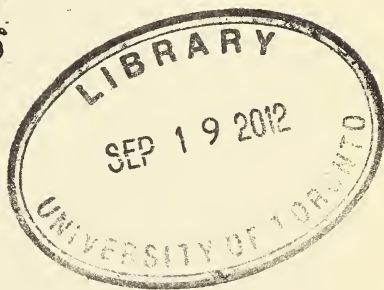
ACTS PROCLAIMED IN FORCE

LIST OF PROCLAMATIONS FROM SEPTEMBER, 1952,
TO JUNE, 1953

MISCELLANEOUS PROCLAMATIONS

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EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

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ACTS OF THE PARLIAMENT OF CANADA

PASSED IN THE SESSION HELD IN THE

FIRST AND SECOND YEARS OF THE REIGN OF HER MAJESTY

QUEEN ELIZABETH II

BEING THE

SEVENTH SESSION OF THE TWENTY-FIRST PARLIAMENT

Begun and holden at Ottawa, on the Twentieth day of November, 1952,
and prorogued on the Fourteenth day of May, 1953.



HIS EXCELLENCY THE RIGHT HONOURABLE

VINCENT MASSEY

GOVERNOR GENERAL

PART I

PUBLIC GENERAL ACTS

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1-2 ELIZABETH II.

CHAP. 1.

An Act respecting the appointment of Auditors for National Railways.

[Assented to 11th February, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding the provisions of section 13 of *The Canadian National-Canadian Pacific Act, 1933*, chapter 33 of the statutes of 1932-33, as enacted by section 3 of chapter 25 of the statutes of 1936, respecting the appointment of auditors by joint resolution of the Senate and House of Commons, George A. Touche and Company, of the cities of Montreal and Toronto, chartered accountants, are appointed as independent auditors for the year 1953, to make a continuous audit under the provisions of the said section, of the accounts of National Railways as defined in the said Act. Auditors.

2. (1) This section shall come into force on the day the Revised Statutes of Canada, 1952, come into force. Auditors.

(2) Notwithstanding the provisions of section 13 of the *Canadian National-Canadian Pacific Act*, chapter 39 of the Revised Statutes of Canada, 1952, respecting the appointment of auditors by joint resolution of the Senate and House of Commons, George A. Touche and Company, of the cities of Montreal and Toronto, chartered accountants, are appointed as independent auditors for the year 1953 to make a continuous audit under the provisions of that section of the accounts of National Railways as defined in that Act.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 2.

An Act to amend the Canada Evidence Act.

[Assented to 11th February, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. Subsection 3 of section 29A of the *Canada Evidence Act*, chapter 59 of the Revised Statutes of Canada, 1927, as enacted by section 1 of chapter 19 of the statutes of 1942-43, is repealed and the following substituted therefor:

“(3) Proof of compliance with the conditions prescribed by this section may be given by any one or more of the employees of the government or corporation, having knowledge of the taking of the photographic film, of such destruction, loss, or delivery to a customer, or of the making of the print, as the case may be, either orally or by affidavit sworn in any part of Canada before any notary public or commissioner for oaths.”

Proof of compliance with conditions.

2. This Part shall be deemed to have come into force on the twelfth day of June, nineteen hundred and forty-two.

Coming into force.

PART II.

3. Subsection (3) of section 30 of the *Canada Evidence Act*, chapter 307 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(3) Proof of compliance with the conditions prescribed by this section may be given by any one or more of the employees of the government or corporation, having knowledge of the taking of the photographic film, of such destruction, loss, or delivery to a customer, or of the making

Proof of compliance with conditions.

of the print, as the case may be, either orally or by affidavit sworn in any part of Canada before any notary public or commissioner for oaths."

Coming into
force.
Repeal.

4. This Part shall come into force, and section 1 of this Act is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 3.

An Act to amend The Companies' Creditors Arrangement Act, 1933.

[Assented to 11th February, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. Paragraph (g) of section 2 of *The Companies' Creditors Arrangement Act, 1933*, chapter 36 of the statutes of 1932-33, is repealed and the following substituted therefor:

“(g) ‘unsecured creditor’ means any creditor of a company who is not a secured creditor, whether resident or domiciled within or without Canada and a trustee for the holders of any unsecured bonds, debentures, debenture stock, or other evidences of indebtedness issued under a trust deed or other instrument running in favour of the trustee shall be deemed to be an unsecured creditor for all purposes of this Act except voting at a creditors’ meeting in respect of any such bonds, debentures, debenture stock or other evidences of indebtedness.”

“Unsecured creditor”.

2. The said Act is further amended by adding thereto, immediately after section 2 thereof, the following section:

“2A. This Act does not apply in respect of a debtor company unless

(a) the debtor company has outstanding an issue of secured or unsecured bonds, debentures, debenture stock or other evidences of indebtedness of the debtor company or of a predecessor in title of the debtor company issued under a trust deed or other instrument running in favour of a trustee, and

Application.

(b) the compromise or arrangement that is proposed under section three or section four in respect of the debtor company includes a compromise or arrangement between the debtor company and the holders of an issue referred to in paragraph (a)."

PART II.

3. Paragraph (g) of section 2 of the *Companies' Creditors Arrangement Act*, chapter 54 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"Unsecured creditor".

"(g) 'unsecured creditor' means any creditor of a company who is not a secured creditor, whether resident or domiciled within or without Canada and a trustee for the holders of any unsecured bonds, debentures, debenture stock, or other evidences of indebtedness issued under a trust deed or other instrument running in favour of the trustee shall be deemed to be an unsecured creditor for all purposes of this Act except voting at a creditors' meeting in respect of any such bonds, debentures, debenture stock or other evidences of indebtedness."

4. The said Act is further amended by adding thereto, immediately after section 2 thereof, the following section:

Application.

"**2A.** This Act does not apply in respect of a debtor company unless

(a) the debtor company has outstanding an issue of secured or unsecured bonds, debentures, debenture stock or other evidences of indebtedness of the debtor company or of a predecessor in title of the debtor company issued under a trust deed or other instrument running in favour of a trustee, and

(b) the compromise or arrangement that is proposed under section 3 or section 4 in respect of the debtor company includes a compromise or arrangement between the debtor company and the holders of an issue referred to in paragraph (a)."

Coming into force.

Repeal.

5. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

1 - 2 ELIZABETH II.

CHAP. 4.

An Act to amend The Judges Act, 1946.

[Assented to 11th February, 1953.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Paragraph (d) of section 13 of *The Judges Act, 1946*, chapter 56 of the statutes of 1946, as enacted by section 3 of chapter 52 of the statutes of 1951 (First Session), is repealed and the following substituted therefor:

“(d) Eight Judges of the Supreme Court, each..... 14,400.00”.

Salaries of Judges of Court of Appeal and Supreme Court of British Columbia.

PART II.

2. Paragraph (d) of section 13 of the *Judges Act*, chapter 159 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(d) Eight Judges of the Supreme Court, each..... 14,400.00”.

Salaries of Judges of Court of Appeal and Supreme Court of British Columbia.

3. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Coming into force. Repeal.

1 - 2 ELIZABETH II.

CHAP. 5.

An Act to amend the Loan Companies Act.

[Assented to 11th February, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. Paragraph (a) of subsection (1) of section 61 of the *Loan Companies Act*, chapter 28 of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

- “(a) the debentures, bonds, stocks or other securities
- (i) of or guaranteed by the Government of Canada,
 - (ii) of or guaranteed by the Government of any province of Canada,
 - (iii) of or guaranteed by the Government of the United Kingdom, or of any colony or dependency thereof,
 - (iv) of or guaranteed by the Government of the United States or of a state thereof,
 - (v) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act, 1945*,
 - (vi) of any municipal or school corporation in Canada,
 - (vii) guaranteed by any municipal corporation in Canada, or
 - (viii) secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situated in such province and collectable by the municipalities in which such property is situated;”

Debentures,
bonds, stocks,
and securities
of Canada,
provinces,
United
Kingdom,
United
States,
etc.

PART II.

2. Paragraph (a) of subsection (1) of section 60 of the *Loan Companies Act*, chapter 170 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Debentures,
bonds, stocks,
and securities
of Canada,
provinces,
United
Kingdom,
United
States,
etc.

- “(a) the debentures, bonds, stocks or other securities
- (i) of or guaranteed by the Government of Canada,
 - (ii) of or guaranteed by the Government of any province of Canada,
 - (iii) of or guaranteed by the Government of the United Kingdom, or of any colony or dependency thereof,
 - (iv) of or guaranteed by the Government of the United States or of a state thereof,
 - (v) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act*,
 - (vi) of any municipal or school corporation in Canada,
 - (vii) guaranteed by any municipal corporation in Canada, or
 - (viii) secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situated in such province and collectable by the municipalities in which such property is situated;”

Coming into
force.

Repeal.

3. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 6.

An Act to amend The National Defence Act.

[Assented to 11th February, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. *The National Defence Act*, chapter 43 of the statutes of 1950, is amended by adding thereto, immediately after section 6 thereof, the following section:

“6A. The Governor General may at any time by commission under the Great Seal appoint an Associate Minister of National Defence who shall exercise and perform such of the powers, duties and functions of the Minister as may be assigned to him by the Governor in Council and shall be paid a salary of ten thousand dollars per annum; during the period that a person holds office as Associate Minister of National Defence under this section, the number of Associate Ministers of National Defence who may be appointed under section six shall be reduced by one.”

Associate
Minister.

PART II.

2. *The National Defence Act*, chapter 184 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after section 6 thereof, the following section:

“6A. The Governor General may at any time by commission under the Great Seal appoint an Associate Minister of National Defence who shall exercise and perform such of the powers, duties and functions of the Minister as may be assigned to him by the Governor in Council and shall be paid a salary of ten thousand dollars per annum; during the period that a person holds office as Associate Minister

Associate
Minister.

of National Defence under this section, the number of Associate Ministers of National Defence who may be appointed under section 6 shall be reduced by one.”

Coming into
force.
Repeal.

3. This part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1-2 ELIZABETH II.

CHAP. 7.

An Act to amend the Prisons and Reformatories Act.

[Assented to 11th February, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. Sections 147A, 147B and 147C of the *Prisons and Reformatories Act*, chapter 163 of the Revised Statutes of Canada, 1927, as enacted by chapter 49 of the statutes of 1950, and section 147D of the said Act, as enacted by section 1 of chapter 26 of the statutes of 1947-48, are repealed and the following substituted therefor:

“147A. Every court in the province of British Columbia, before which any male person apparently over the age of sixteen years and under the age of twenty-three years is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the term of three months, or for any longer term, may sentence such person to imprisonment for the term of not less than three months and for an indeterminate period thereafter of not more than two years less one day in that portion of Oakalla Prison Farm known as the Young Offenders Unit or in New Haven instead of the common gaol of the county or judicial district where the offence was committed or was tried, and such person shall thereupon be imprisoned in that portion of Oakalla Prison Farm known as the Young Offenders Unit or in New Haven as the case may be, until he is lawfully discharged or paroled pursuant to section one hundred and forty-seven B or transferred pursuant to section one hundred and forty-seven C, and shall be subject to all the rules and regulations of the institution as may be approved from time to time by the Lieutenant-Governor in that behalf.

Imprisonment
in Young
Offenders
Unit or in
New Haven.

Board of
Parole.

"147B. The Lieutenant-Governor may appoint a Board of Parole for the said province whose duty it shall be to inquire from time to time into the cases of prisoners sentenced to that portion of Oakalla Prison Farm known as the Young Offenders Unit or to New Haven and the prisoners transferred under section one hundred and forty-seven c, and where as a result of such inquiry the Board thinks proper, it may permit prisoners serving indeterminate sentences to be paroled under conditions approved of by the Minister of Justice and when the terms on which such prisoners were paroled have been complied with, the Board may recommend for the consideration of the Minister of Justice the final discharge of such prisoners.

Transfer of
offenders.

"147C. (1) The Inspector of Gaols or such other officer as is authorized by the Lieutenant-Governor in that behalf from time to time may by warrant direct the removal of a person imprisoned in that portion of Oakalla Prison Farm known as the Young Offenders Unit to New Haven or to the common gaol at Oakalla Prison Farm, or of a person imprisoned in New Haven to that portion of Oakalla Prison Farm known as the Young Offenders Unit or to the common gaol at Oakalla Prison Farm, whenever he deems it expedient so to do, and a person transferred pursuant to this section shall be detained in the prison or institution to which he is transferred for the unexpired portion of the term of imprisonment to which he was originally sentenced unless in the meantime he is again transferred or is lawfully discharged.

"Term of
imprison-
ment",
defined.

(2) In this section the expression "term of imprisonment" includes the definite term of imprisonment and the indefinite period thereafter to which a person was originally sentenced.

Juveniles.

"147D. Sections one hundred and forty-seven A, one hundred and forty-seven B and one hundred and forty-seven c do not apply to a child as defined in the *Juvenile Delinquents Act* unless the child has under section nine of the *Juvenile Delinquents Act* been ordered to be proceeded against by indictment in the ordinary courts.

Definition.

"147E. In this Part the expression "New Haven" means the institution established in British Columbia for the reclamation of juvenile offenders known as New Haven and situate on Lot 164, Group 1, New Westminster District in the said province."

PART II.

2. Sections 151, 152, 153 and 154 of the *Prisons and Reformatories Act*, chapter 217 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

"151. Every court in the province of British Columbia, before which any male person apparently over the age of sixteen years and under the age of twenty-three years is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the term of three months, or for any longer term, may sentence such person to imprisonment for the term of not less than three months and for an indeterminate period thereafter of not more than two years less one day in that portion of Oakalla Prison Farm known as the Young Offenders Unit or in New Haven instead of the common gaol of the county or judicial district where the offence was committed or was tried, and such person shall thereupon be imprisoned in that portion of Oakalla Prison Farm known as the Young Offenders Unit or in New Haven as the case may be, until he is lawfully discharged or paroled pursuant to section 152 or transferred pursuant to section 153, and shall be subject to all the rules and regulations of the institution as may be approved from time to time by the Lieutenant-Governor in that behalf.

Imprisonment
in Young
Offenders
Unit or in
New Haven.

"152. The Lieutenant-Governor may appoint a Board of Parole for the said province whose duty it is to inquire from time to time into the cases of prisoners sentenced to that portion of Oakalla Prison Farm known as the Young Offenders Unit or to New Haven and the prisoners transferred under section 153, and where as a result of such inquiry the Board thinks proper, it may permit prisoners serving indeterminate sentences to be paroled under conditions approved of by the Minister of Justice, and when the terms on which such prisoners were paroled have been complied with, the Board may recommend for the consideration of the Minister of Justice the final discharge of such prisoners.

Board of
Parole.

"153. (1) The Inspector of Gaols or such other officer as is authorized by the Lieutenant-Governor in that behalf from time to time may by warrant direct the removal of a person imprisoned in that portion of Oakalla Prison Farm known as the Young Offenders Unit to New Haven or to the common gaol at Oakalla Prison Farm, or of a person imprisoned in New Haven to that portion of Oakalla Prison Farm known as the Young Offenders Unit or to the common gaol at Oakalla Prison Farm, whenever he deems it expedient so to do, and a person transferred pursuant to this section shall be detained in the prison or institution to which he is transferred for the unexpired portion of the term of imprisonment to which he was originally sentenced unless in the meantime he is again transferred or is lawfully discharged.

Transfer of
offenders.

"Term of imprisonment" defined.

(2) In this section the expression "term of imprisonment" includes the definite term of imprisonment and the indefinite period thereafter to which a person was originally sentenced.

Juveniles.

"154. Sections 151, 152 and 153 do not apply to a child as defined in the *Juvenile Delinquents Act* unless the child has under section 9 of the *Juvenile Delinquents Act* been ordered to be proceeded against by indictment in the ordinary courts.

Definition "New Haven".

"154A. In this Part the expression "New Haven" means the institution established in British Columbia for the reclamation of juvenile offenders known as New Haven and situate on Lot 164, Group 1, New Westminster District in the said province."

Coming into force. Repeal.

3. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1953

1-2 ELIZABETH II.

CHAP. 8.

An Act to amend The Representation Act, 1952.

[Assented to 11th February, 1953.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Paragraph 15 of that Part of the Schedule to *The Representation Act, 1952*, chapter 48 of the Statutes of 1952, dealing with the description of the electoral districts in the Province of Saskatchewan, which describes the Electoral District of Swift Current, is amended by substituting for the words: "SWIFT CURRENT", the words: "SWIFT CURRENT-MAPLE CREEK" at the beginning of the said description.

Swift
Current-
Maple
Creek.

PART II.

2. Paragraph 15 of that Part of the Schedule to the *Representation Act*, chapter 238 of the Revised Statutes of Canada, 1952, dealing with the description of the electoral districts in the Province of Saskatchewan, which describes the Electoral District of Swift Current, is amended by substituting for the words: "SWIFT CURRENT", the words: "SWIFT CURRENT-MAPLE CREEK" at the beginning of the said description.

Swift
Current-
Maple
Creek.

3. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Coming into
force.
Repeal.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA. 1953

1-2 ELIZABETH II.

CHAP. 9.

An Act respecting the Royal Style and Titles.

[Assented to 11th February, 1953.]

WHEREAS the Prime Ministers and other representatives of Commonwealth countries assembled in London in the month of December, in the year one thousand nine hundred and fifty-two, considered the form of the Royal Style and Titles, and, recognizing that the present form is not in accordance with present constitutional relations within the Commonwealth, concluded that, in the present stage of development of the Commonwealth relationship, it would be in accord with the established constitutional position that each member country should use for its own purposes a form suitable to its own particular circumstances but retaining a substantial element common to all; Preamble.

And whereas the said representatives of all the Commonwealth countries concerned agreed to take such action as is necessary in each country to secure the appropriate constitutional approval for the changes now envisaged;

And whereas, in order to give effect to the aforesaid conclusions, it is desirable that the Parliament of Canada should assent to the issue of a Royal Proclamation establishing the Royal Style and Titles for Canada:

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The assent of the Parliament of Canada is hereby given to the issue by Her Majesty of Her Royal Proclamation under the Great Seal of Canada establishing for Canada the following Royal Style and Titles, namely, Assent to establishment of Royal Style and Titles.
“Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith”.

2. (1) Paragraph (10) of section 37 of the *Interpretation Act*, chapter 1 of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"Her Majesty",
etc.

"(10) "Her Majesty", "His Majesty", "the Queen", "the King" or "the Crown" means the Sovereign of the United Kingdom, Canada and Her other Realms and Territories, and Head of the Commonwealth;"

(2) Upon the coming into force of the Revised Statutes of Canada, 1952, paragraph (11) of section 35 of the *Interpretation Act*, chapter 158 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"Her Majesty",
etc.

"(11) "Her Majesty", "His Majesty", "the Queen", "the King" or "the Crown" means the Sovereign of the United Kingdom, Canada and Her other Realms and Territories, and Head of the Commonwealth;"

Coming into
force.

3. Section 2 shall come into force on the day the Royal Proclamation authorized by section 1 is issued.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1-2 ELIZABETH II.

CHAP. 10.

An Act to amend the Trust Companies Act.

[Assented to 11th February, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. Subparagraph (i) of paragraph (a) of subsection (1) of section 63 of the *Trust Companies Act*, chapter 29 of the Revised Statutes of Canada, 1927, as enacted by section 12 of chapter 75 of the statutes of 1947, is repealed and the following substituted therefor:

- (i) debentures, bonds, stocks or other securities
- (A) of or guaranteed by the Government of Canada,
- (B) of or guaranteed by the Government of a province,
- (C) of or guaranteed by the Government of the United Kingdom or of any of Her Majesty's self-governing dominions or dependencies,
- (D) of or guaranteed by the Government of the United States or of a state thereof,
- (E) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act*, 1945,
- (F) of a municipal or school corporation in Canada,
- (G) guaranteed by a municipal corporation in Canada, or
- Debentures, bonds, stocks and securities of Canada, provinces, U.K., U.S., etc.

(H) secured by rates or taxes levied under the authority of laws of a province on property situated in the province and collectable by the municipalities in which the property is situated, that are not in default in respect of either principal or interest,”

2. Paragraph (a) of subsection (1) of section 67 of the said Act, as enacted by section 14 of chapter 75 of the statutes of 1947, is repealed and the following substituted therefor:

Debentures,
bonds, stocks
and
securities
of Canada,
provinces,
U.K., U.S.,
etc.

- “(a) debentures, bonds, stocks or other securities
- (i) of or guaranteed by the Government of Canada,
 - (ii) of or guaranteed by the Government of a province,
 - (iii) of or guaranteed by the Government of the United Kingdom or of any of Her Majesty’s self-governing dominions or dependencies,
 - (iv) of or guaranteed by the Government of the United States or of a state thereof,
 - (v) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by *The Bretton Woods Agreements Act, 1945*,
 - (vi) of a municipal or school corporation in Canada,
 - (vii) guaranteed by a municipal corporation in Canada, or
 - (viii) secured by rates or taxes levied under the authority of laws of a province on property situated in the province and collectable by the municipalities in which the property is situated;”

PART II.

3. Subparagraph (i) of paragraph (a) of subsection (1) of section 64 of the *Trust Companies Act*, chapter 272 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Debentures,
bonds, stocks
and
securities
of Canada,
provinces,
U.K., U.S.,
etc.

- “(i) debentures, bonds, stocks or other securities
- (A) of or guaranteed by the Government of Canada,
 - (B) of or guaranteed by the Government of a province,
 - (C) of or guaranteed by the Government of the United Kingdom or of any of Her Majesty’s self-governing dominions or dependencies,

- (D) of or guaranteed by the Government of the United States or of a state thereof,
 - (E) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act*,
 - (F) of a municipal or school corporation in Canada,
 - (G) guaranteed by a municipal corporation in Canada, or
 - (H) secured by rates or taxes levied under the authority of laws of a province on property situated in the province and collectable by the municipalities in which the property is situated,
- that are not in default in respect of either principal or interest,”

4. Paragraph (a) of subsection (1) of section 68 of the said Act is repealed and the following substituted therefor:

“(a) debentures, bonds, stocks or other securities

- (i) of or guaranteed by the Government of Canada,
- (ii) of or guaranteed by the Government of a province,
- (iii) of or guaranteed by the Government of the United Kingdom or of any of Her Majesty’s self-governing dominions or dependencies,
- (iv) of or guaranteed by the Government of the United States or of a state thereof,
- (v) of or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act*,
- (vi) of a municipal or school corporation in Canada,
- (vii) guaranteed by a municipal corporation in Canada, or
- (viii) secured by rates or taxes levied under the authority of laws of a province on property situated in the province and collectable by the municipalities in which the property is situated;”

Debentures,
bonds, stocks
and
securities
of Canada,
provinces,
U.K., U.S.,
etc.

5. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Coming into
force.
Repeal.

1 - 2 ELIZABETH II

CHAP. 11.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1954.

[Assented to 31st March, 1953.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
the Right Honourable Vincent Massey, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and fifty-four, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as *The Appropriation Act*, Short title.
No. 1, 1953.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole five hundred and thirty-four million, eight hundred and seventy-one thousand, two hundred and thirteen dollars and seventeen cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-three, to the thirty-first day of March, one thousand nine hundred and fifty-four, not otherwise provided for, and being one-sixth of the amount of each of the items to be voted set forth in the Main Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and fifty-four, as laid before the House of Commons at the present session of Parliament.

\$534,871,213.17
granted for
1953-54.

\$207,500
granted for
1953-54.

3. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole two hundred and seven thousand, five hundred dollars, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-three, to the thirty-first day of March, one thousand nine hundred and fifty-four, not otherwise provided for, and being one-quarter of the amount of the item to be voted set forth in Schedule A to this Act.

\$372,512.84
granted for
1953-54.

4. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole three hundred and seventy-two thousand, five-hundred and twelve dollars and eighty-four cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-three, to the thirty-first day of March, one thousand nine hundred and fifty-four, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule B to this Act.

\$2,223,289.17
granted for
1953-54.

5. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole two million, two hundred and twenty-three thousand, two hundred and eighty-nine dollars and seventeen cents, towards defraying the several charges and expenses of the public service from the first day of April, one thousand nine hundred and fifty-three, to the thirty-first day of March, one thousand nine hundred and fifty-four, not otherwise provided for, and being one-twelfth of the amount of the several items to be voted set forth in Schedule C to this Act.

Account
to be
rendered.
1951 (2nd
Sess.), c. 12

6. Sums expended under the authority of this Act shall be accounted for in the Public Accounts in conformity with section sixty-four of *The Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1953-54. The amount hereby granted is \$207,500, being one-quarter of the amount of the item in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1954, and the purposes for which they are granted.

| No of Vote | Service | Amount | Total |
|------------------|---|--------|----------|
| | TRADE AND COMMERCE | \$ | \$ |
| | EXHIBITIONS | | |
| 433 | Canadian International Trade Fair, including authority to refund, from revenue, deposits received for contracts for space. | | *830,000 |

* Net total \$207,500

SCHEDULE B

Based on the Main Estimates, 1953-54. The amount hereby granted is \$372,512.84, being one-sixth of the amount of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1954, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|------------|
| | | \$ | \$ |
| | LABOUR | | |
| | B—UNEMPLOYMENT INSURANCE ACT, 1940 | | |
| 199 | To provide for the transfer of labour to and from places where employment is available and expenses incidental thereto, in accordance with regulations of the Governor in Council..... | 75,000 | |
| | LEGISLATION | | |
| | THE SENATE | | |
| 201 | General Administration..... | 416,469 | |
| | HOUSE OF COMMONS | | |
| 204 | General Administration—Estimates of the Clerk..... | 1,075,988 | |
| 205 | Estimates of the Sergeant-at-Arms..... | 667,620 | |
| | | | *2,235,077 |

* Net total \$372,512.84

SCHEDULE C

Based on the Main Estimates, 1953-54. The amount hereby granted is \$2,223,289.17, being one-twelfth of the amount of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1954, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | EXPERIMENTAL FARMS SERVICE | | |
| 19 | Branch Experimental Farms, Sub-Stations and Illustration Stations— Operation and Maintenance..... | 5,570,409 | |
| | TERMINABLE SERVICES | | |
| 37 | Freight Assistance on Western Feed Grains..... | 17,000,000 | |
| | CITIZENSHIP AND IMMIGRATION | | |
| | A—DEPARTMENT | | |
| | IMMIGRATION BRANCH | | |
| 62 | Field and Inspectional Service, Abroad— Operation and Maintenance..... | 1,905,025 | |
| | TRADE AND COMMERCE | | |
| | STANDARDS BRANCH | | |
| 435 | Electricity and Gas Inspection Services..... | 598,391 | |
| 436 | Weights and Measures Inspection Services..... | 726,231 | |
| | DOMINION BUREAU OF STATISTICS | | |
| 439 | Census, including 1951 Decennial Census..... | 879,414 | |
| | | | *26,679,470 |

* Net total \$2,223,289.17

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 12.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1953.

[Assented to 31st March, 1953.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, the Right Honourable Vincent Massey, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and fifty-three, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as *The Appropriation Act*, No. 2, 1953. Short title.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole seventy-seven million, six hundred and eighty thousand, three hundred and eighty-three dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-two, to the thirty-first day of March, one thousand nine hundred and fifty-three, not otherwise provided for, and being the amount of each of the items voted, set forth in the Schedule to this Act for the fiscal year ending the thirty-first day of March, one thousand nine hundred and fifty-three, as laid before the House of Commons at the present session of Parliament.

\$77,680,383
granted for
1952-53.

3. Sums expended under the authority of this Act shall be accounted for in the Public Accounts in conformity with section sixty-four of *The Financial Administration Act*.

Account
to be
rendered.
1951 (2nd
Sess.), c. 12.

SCHEDULE

Based on the Further Supplementary Estimates(1), 1952-53. The amount hereby granted is \$77,680,383, being the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1953, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | PRODUCTION SERVICE | | |
| 553 | Health of Animals— To provide for the payment of compensation to owners of animals and poultry affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances not provided for under the above Act and Regulations thereunder, in the amounts detailed in the Estimates..... | 91,660 | |
| 554 | Grants to Agricultural Organizations, as detailed in the Estimates—Further amount required..... | 10,000 | |
| | MARKETING SERVICE | | |
| 555 | Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates—Further amount required..... | 19,409 | |
| | TERMINABLE SERVICES | | |
| 556 | Freight Assistance on Western Feed Grains—Further amount required..... | 3,700,000 | |
| 557 | To provide for Quality Premiums on High Grade Hog Carcasses and Administration Costs—Further amount required..... | 200,000 | |
| | SPECIAL | | |
| 558 | Prairie Farm Rehabilitation Act and Water Storage—Further amount required..... | 300,000 | |
| 559 | Major Irrigation and Reclamation Projects in the Prairie Provinces—Further amount required..... | 250,000 | |
| 560 | Estimated amount required to recoup the Agricultural Prices Support Account to cover the net operating loss of the Agricultural Prices Support Board during the fiscal year 1952-53, including authority to credit to the account the net revenue received into the Agricultural Products Board Account from the sale of New Zealand meat received in exchange for beef shipped to the United Kingdom..... | 32,346,000 | |
| | | | 36,835,069 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------|---------|
| | | \$ | \$ |
| | CITIZENSHIP AND IMMIGRATION | | |
| | A—DEPARTMENT | | |
| | INDIAN AFFAIRS BRANCH | | |
| 561 | Education— Operation and Maintenance—Further amount required..... | 25,000 | |
| | B—NATIONAL GALLERY OF CANADA | | |
| 562 | Payment to the National Gallery Purchase Account for the purpose of acquiring works of art, in conformity with Section 8 of the National Gallery Act—Further amount required... | 276,000 | 301,000 |
| | DEFENCE PRODUCTION | | |
| | B—CROWN COMPANIES | | |
| 563 | To provide for expenses incurred by Defence Construction (1951) Limited in procuring the construction of defence projects on behalf of the Department of National Defence—Further amount required..... | | 232,016 |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT AND MISSIONS ABROAD | | |
| 564 | Departmental Administration—Further amount required..... | 20,000 | |
| | B—GENERAL | | |
| | TERMINABLE SERVICES | | |
| 565 | Contribution to the United Nations Refugee Emergency Fund. | 100,000 | |
| 566 | Colombo Plan— Notwithstanding Section 35 of The Financial Administration Act to authorize the establishment of a special account in the Consolidated Revenue Fund to be known as the Colombo Plan Fund to which shall be credited, on or after March 31, 1953, the unexpended balances on March 31, 1953, of Votes 113 and 114 of the Appropriation Act, No. 4, 1952 (the amounts so credited to be a charge to those Votes) and any amounts provided by Parliament for the purposes of the Colombo Plan; and to provide for payments out of the Colombo Plan Fund, in the current and subsequent fiscal years, (a) for grants and loans to governments of countries in South and South-East Asia to assist in their economic development, and for special administrative expenses in connection therewith; and (b) for technical co-operation with those countries including the engagement of services of technical and professional experts in accordance with regulations established by the Governor in Council, the persons so engaged to be contractors and not servants of the Crown..... | 1 | 120,001 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | FINANCE | | |
| | GENERAL ADMINISTRATION | | |
| 567 | Departmental Administration—Further amount required for the purchase of books and other reference material for the departmental library..... | 4,000 | |
| | PAYMENTS TO MUNICIPALITIES | | |
| 568 | Grants to Municipalities in lieu of taxes on Federal Property—To provide for payments to municipalities in accordance with The Municipal Grants Act; and to provide for payments to municipalities under Order in Council of July 19, 1950, P.C. 3456, in respect of the cost of medical and hospital services and supplies furnished to federal employees and other persons specified therein—Further amount required including authority to regard the Admiralty Properties in the City of St. John's, Newfoundland, as Federal Property, notwithstanding that formal transfer of administration has not been completed..... | 153,856 | |
| | CONTINGENCIES AND MISCELLANEOUS | | |
| 569 | To authorize the write-off to Consolidated Deficit Account of costs incurred in 1946 in engraving blank bonds in anticipation of a loan which did not materialize..... | 68,419 | |
| | GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS | | |
| 570 | To provide for a Government contribution to the Superannuation Fund in an amount equal to the estimated current and arrears payments of individual contributors in the previous fiscal year—Further amount required..... | 532,715 | |
| 571 | To authorize and provide for a further special Government contribution to reduce the unamortized portion of the Civil Service Superannuation Account liability..... | 25,000,000 | |
| | SPECIAL | | |
| 572 | Grant to the Canadian National European Flood Relief Fund.. | 1,000,000 | 26,758,990 |
| | FISHERIES | | |
| | FIELD SERVICES | | |
| 573 | Fish Culture and Development Branch—Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 350,000 | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 574 | Headquarters Administration—Further amount required..... | 8,000 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|--------|---------|
| | | \$ | \$ |
| | FISHERIES—Concluded | | |
| | SPECIAL | | |
| 575 | To provide for assistance in the construction of bait freezing and storage facilities, subject to the approval of the Governor in Council—Further amount required..... | 10,000 | 368,000 |
| | GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS | | |
| 576 | Office of the Secretary to the Governor General—Further amount required..... | | 50,000 |
| | JUSTICE | | |
| | A—DEPARTMENT | | |
| | GENERAL | | |
| 577 | To provide for the Revision, Classification and Consolidation of the Public General Statutes of Canada—Further amount required..... | 34,000 | |
| | B—PENITENTIARIES | | |
| | OFFICE OF THE COMMISSIONER OF PENITENTIARIES | | |
| 578 | To authorize the establishment of a special account in the Consolidated Revenue Fund to which shall be transferred from Vote 185 of the Appropriation Act, No. 4, 1952, the sum of \$92,000 representing accrued earnings of inmates of penitentiaries, and to which shall be credited from time to time out of money provided by Parliament amounts representing the daily earnings of inmates at rates of remuneration established by the Commissioner of Penitentiaries with the approval of the Treasury Board, and out of which payment may be made in the current and subsequent fiscal years, to inmates who are released, in accordance with the regulations of the Commissioner of Penitentiaries approved by the Treasury Board..... | 1 | 34,001 |
| | LEGISLATION | | |
| | THE SENATE | | |
| 579 | To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment of the full sessional indemnity for the Sixth Session of the Twenty-first Parliament, 1952, and full sessional indemnity to March 31, 1953, for the Seventh Session of the Twenty-first Parliament, to members of the Senate for days lost through absence caused by public business, by illness, or on account of death. Payments to be made as the Treasury Board may direct—Further amount required..... | 4,450 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|---------|
| | | \$ | \$ |
| | LEGISLATION—Concluded | | |
| | THE SENATE—Concluded | | |
| 580 | To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the Senate who attended the first part of the Seventh Session which commenced on November 20, 1952, and ended on December 17, 1952, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Christmas adjournment of Parliament on December 17, 1952, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date or at any other one time during that session..... | 5,500 | |
| 581 | General Administration—Further amount required..... | 10,200 | |
| | HOUSE OF COMMONS | | |
| 582 | To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment of the full sessional indemnity to March 31, 1953, for the Seventh Session of the Twenty-first Parliament, 1952, to Members of the House of Commons for days lost through absence caused by public business, by illness, or on account of death. Payments to be made as the Treasury Board may direct. Each such payment and each similar payment in a previous year, to be deemed, for the purposes of the Members of Parliament Retiring Allowances Act, to be part of the sessional indemnity of the Member for the session in respect of which he received it..... | 8,675 | |
| 583 | To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the House of Commons, who attended the first part of the Seventh Session, which commenced on November 20, 1952, and ended on December 17, 1952, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Christmas adjournment of Parliament on December 17, 1952, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date or at any other one time during that session..... | 18,000 | |
| 584 | General Administration—Estimates of the Clerk—Further amount required..... | 59,180 | |
| 585 | Estimates of the Sergeant-at-Arms—Further amount required. | 2,000 | |
| 586 | To provide an amount required for defraying expenses of the Commonwealth Parliamentary Association's visit to Canada—Further amount required..... | 7,000 | |
| | GENERAL | | |
| 587 | Printing of Parliament—Further amount required..... | 25,000 | |
| | LIBRARY OF PARLIAMENT | | |
| 588 | General Administration—Further amount required..... | 77,500 | |
| | | | 217,505 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|-----------|
| | | \$ | \$ |
| | NATIONAL DEFENCE | | |
| | PENSIONS AND OTHER BENEFITS | | |
| 589 | To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payment to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations—Further amount required..... | | 1,224 |
| | NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD | | |
| | NATIONAL RESEARCH COUNCIL | | |
| 590 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 725,450 | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| | Atomic Energy Project (now Atomic Energy of Canada Limited)— | | |
| 591 | Operation and Maintenance—Further amount required.... | 310,000 | |
| 592 | Construction or Acquisition of Buildings, Works, Land and New Equipment, and to provide for payment to Central Mortgage and Housing Corporation for housing and other works constructed at Deep River during 1952-53—Further amount required..... | 666,750 | 1,702,200 |
| | NATIONAL REVENUE | | |
| | CUSTOMS AND EXCISE DIVISIONS | | |
| 593 | General Administration—Further amount required..... | 5,000 | |
| 594 | Customs Excise Seizure Expenses and Adjustments—Further amount required..... | 48,000 | 53,000 |
| | POST OFFICE | | |
| 595 | Transportation—Movement of Mail by Land, Air and Water, including Administration—Further amount required..... | | 870,000 |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|---------|
| | | \$ | \$ |
| | PUBLIC PRINTING AND STATIONERY | | |
| 596 | Departmental Administration—Further amount required..... | 7,000 | |
| 597 | Stationery Branch—Operation of Stationery Stores—Further amount required..... | 40,000 | |
| 598 | Plant Equipment and Replacements—Further amount required | 18,265 | |
| 599 | Distribution of Official Documents—Further amount required. | 6,500 | |
| | | | 71,765 |
| | PUBLIC WORKS | | |
| | ENGINEERING BRANCH | | |
| | Acquisition, Construction and Improvements of Harbour and River Works | | |
| | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—Further amount required— | | |
| 600 | Nova Scotia (\$21,000, less the amount of \$20,999 available from savings in other listed projects detailed in previous Estimates for 1952-53 for this Province)..... | 1 | |
| | Generally | | |
| 601 | Grand River—Contribution towards improvements..... | 23,000 | |
| | | | 23,001 |
| | RESOURCES AND DEVELOPMENT | | |
| | ENGINEERING AND WATER RESOURCES BRANCH | | |
| | Water Resources Division— | | |
| | Water Resources Division, including the Administration of the Dominion Water Power and Irrigation Acts— | | |
| 602 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 12,000 | |
| | GENERAL | | |
| 603 | To provide for the expenses incurred by Central Mortgage and Housing Corporation in constructing and supervising construction of married quarters, schools and related services on behalf of the Department of National Defence—Further amount required..... | 150,000 | |
| | | | 162,000 |
| | TRADE AND COMMERCE | | |
| | GENERAL ADMINISTRATION | | |
| 604 | Trade Commissioner Service, including payment of compensation to Trade Commissioners for damage to and loss of furniture and effects, under terms and conditions approved by the Governor in Council—Further amount required... | 35,000 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|---------|
| | | \$ | \$ |
| | TRADE AND COMMERCE— <i>Concluded</i> | | |
| | DOMINION BUREAU OF STATISTICS | | |
| 605 | Statistics—Further amount required..... | 99,278 | |
| | CANADA GRAIN ACT | | |
| 606 | Administration—Further amount required..... | 6,200 | |
| 607 | Board of Grain Commissioners— Operation and Maintenance Expenses, including inspection, weighing, registration, etc.—Further amount required.. | 350,345 | |
| 608 | Canadian Government Elevators— Operation and Maintenance Expenses—Further amount required..... | 75,685 | 566,508 |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| | MARINE SERVICES | | |
| 609 | Marine Service Steamers— Operation, Maintenance and Repairs—Further amount required..... | 60,000 | |
| 610 | Construction or Acquisition of Vessels and Equipment, as detailed in the Estimates—Further amount required.. | 6,760 | |
| 611 | Nautical Services— Operation and Maintenance, including grants and contri- butions as detailed in the Estimates—Further amount required..... | 1,145 | |
| 612 | Pilotage Service— Operation and Maintenance—Further amount required..... | 28,000 | |
| 613 | Construction or Acquisition of Buildings, Works and New Equipment—Further amount required..... | 68,907 | |
| 614 | River St. Lawrence Ship Channel Service— Contract Dredging—Capital—Further amount required.... | 311,978 | |
| | RAILWAY AND STEAMSHIP SERVICES | | |
| 615 | North Sydney, Nova Scotia—Port-aux-Basques, Newfound- land, Car Ferry and Terminals Deficit, 1952— To provide for the payment during the fiscal year 1952-53 to the Canadian National Railway Company (here- inafter called the National Company) upon applications approved by the Minister of Transport made by the National Company to the Minister of Finance and to be applied by the National Company in the payment of the deficit (certified by the Auditors of the National Company) in the operation of the North Sydney, Nova Scotia—Port-aux-Basques, Newfoundland, Ferry and Terminals arising in the calendar year 1952..... | 1,915,532 | |
| 616 | Prince Edward Island Car Ferry and Terminals Deficit, 1952— Additional amount in excess of the sum of \$1,485,000 already appropriated, to provide for the payment during the fiscal year 1952-53 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the deficit (certified by the Auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1952—Further amount required..... | 34,767 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | TRANSPORT— <i>Concluded</i> | | |
| | A—DEPARTMENT— <i>Concluded</i> | | |
| | RAILWAY AND STEAMSHIP SERVICES— <i>Concluded</i> | | |
| 617 | Maritime Freight Rates Act— Additional amount in excess of the sum of \$9,910,000 already appropriated for the payment to the Railway Companies operating in the select territory designated by the Act, during the fiscal year 1952-53, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by Auditors of the said Company respecting the Eastern Lines of the Canadian National Railways, and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1952 (Chap. 79, Statutes of 1927, as amended)—Further amount required..... | 334,552 | |
| | GENERAL | | |
| 618 | To provide for reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, unserviceable, lost or destroyed..... | 23,799 | |
| | AIR SERVICES | | |
| | Civil Aviation Division | | |
| 619 | Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder— Further amount required..... | 33,000 | |
| | Airways and Airports— Operation and Maintenance— | | |
| 620 | Civil Aviation Services—Further amount required.... | 100,000 | |
| 621 | Contributions, as specified in the Details of the Estimates, to other Governments or International Agencies for the operation and maintenance of airports, air navigation and airways facilities—Further amount required..... | 10,000 | |
| | B—GENERAL | | |
| | AIR TRANSPORT BOARD | | |
| 622 | Subventions for Air Carriers, as detailed in the Estimates..... | 125,000 | |
| | CANADIAN MARITIME COMMISSION | | |
| 623 | Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required..... | 5,334 | |
| | | | 3,058,774 |
| | VETERANS AFFAIRS | | |
| | PENSIONS AND OTHER BENEFITS | | |
| 624 | Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order P.C. 45/8848 of 22nd November, 1944, which shall be subject to the Pension Act—Further amount required..... | 1,600,000 | |

SCHEDULE—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|------------|
| | | \$ | \$ |
| | VETERANS AFFAIRS—Concluded | | |
| | MISCELLANEOUS PAYMENTS | | |
| 625 | Employers Liability Compensation—Further amount required. | 700,000 | |
| 626 | To authorize and provide for payment to the Poppy Fund of Toronto Incorporated of the net unspent balance of the amount of \$48,000 authorized by Order in Council P.C. 503 dated March 16, 1937, pursuant to the Veterans' Assistance Commission Act, 1936, and paid to the Honorary Local Committee at Toronto..... | 35,329 | |
| | SOLDIER SETTLEMENT AND VETERANS' LAND ACT | | |
| 627 | To provide for the payment of grants to Indian veterans settled on Indian Reserve Lands under Section 35A of the Veterans' Land Act, 1942, as amended—Further amount required.... | 40,000 | |
| | TERMINABLE SERVICES | | |
| 628 | Post Discharge Rehabilitation Benefits, including the training of Merchant Seamen and Salt Water Fishermen Pensioners—Further amount required..... | 325,000 | |
| | | | 2,700,329 |
| | | | 74,125,383 |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | CENTRAL MORTGAGE AND HOUSING CORPORATION | | |
| 629 | To provide for the restoration of the special account in the Consolidated Revenue Fund established by Section 35 of the National Housing Act by the amount paid out of the special account in respect of housing and land development projects undertaken jointly with the governments of the provinces during the fiscal year 1951-52..... | 1,500,000 | |
| | FINANCE | | |
| 630 | To authorize and provide for loans to the Civil Service Co-Operative Credit Society, Limited, on such terms and conditions as the Governor in Council may approve..... | 100,000 | |
| | RESOURCES AND DEVELOPMENT | | |
| 631 | To provide for advances to the Northwest Territories Power Commission for the purpose of capital expenditures under the Northwest Territories Power Commission Act, the following capital expenditures having been made from advances made to the Commission in the fiscal year 1952-53 under Section 17 (2) of the said Act: (a) Mayo River hydro electric power project, \$993,000, (b) Fort Smith diesel electric plant, \$7,000; an advance of \$200,000 to be made for further capital expenditures in the fiscal year 1952-53 in respect of the Mayo River hydro electric power project..... | 1,200,000 | |

SCHEDULE—Concluded

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|------------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES —Concluded | | |
| | TRANSPORT | | |
| | Air Services | | |
| 632 | To authorize and provide for the operation of a revolving fund in accordance with the provisions of Section 58 of The Financial Administration Act for the purpose of financing the purchase of materials and supplies to be held in Northwest Communications System Stores for use on both Capital and Maintenance Works, the amount to be charged to the revolving fund at any one time not to exceed \$125,000, of which \$100,000 has already been provided under Vote 559, Appropriation Act, No. 4, 1952..... | 25,000 | |
| 633 | To provide for recoverable advances to enable extension of Northwest Communications System facilities between Edmonton and the Yukon-Alaska border..... | 130,000 | |
| | VETERANS AFFAIRS | | |
| | Soldier Settlement and Veterans' Land Act | | |
| 634 | To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; refunds to veterans (Sections 9A and 19); and for protection of security under the Veterans' Land Act—Further amount required..... | 600,000 | 3,555,000 |
| | Total..... | | 77,680,383 |

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 13.

An Act to amend The Canadian Overseas Telecommunication Corporation Act.

[Assented to 31st March, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. Paragraph (b) of section 2 of *The Canadian Overseas Telecommunication Corporation Act*, chapter 10 of the statutes of 1949, is repealed and the following substituted therefor:

“(b) ‘cablehead’ means the shore end of a submarine “Cablehead”. cable;”

2. Subsection (2) of section 14 and section 15 of the said Act are repealed. Repeal.

3. Section 16 of the said Act is repealed and the following substituted therefor:

“**16.** The Corporation shall execute and deliver to the Minister of Finance, in such form as he may approve, certificates evidencing payments made to it by him under this Act and the terms and conditions under which such payments were made.” Corporation to deliver certificates of payments.

4. Sections 18, 19 and 21 of the said Act are repealed. Repeal.

5. Section 23 of the said Act is repealed and the following substituted therefor:

“**23.** The Corporation shall submit annually to the Minister for his consideration and approval an operating budget for the next following financial year of the Corporation.” Annual budget.

PART II.

"Cablehead". **6.** Paragraph (b) of section 2 of the *Canadian Overseas Telecommunication Corporation Act*, chapter 42 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"(b) 'cablehead' means the shore end of a submarine cable;"

Repeal. **7.** Subsection (2) of section 14 and section 15 of the said Act are repealed.

Corporation to deliver certificates of payments. **8.** Section 16 of the said Act is repealed and the following substituted therefor:

"**16.** The Corporation shall execute and deliver to the Minister of Finance, in such form as he may approve, certificates evidencing payments made to it by him under this Act and the terms and conditions under which such payments were made."

Repeal. **9.** Sections 18, 19 and 21 of the said Act are repealed.

Annual budget. **10.** Section 23 of the said Act is repealed and the following substituted therefor:

"**23.** The Corporation shall submit annually to the Minister for his consideration and approval an operating budget for the next following financial year of the Corporation."

Coming into force. **11.** This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Repeal.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 14.

An Act to amend The Canadian Vessel Construction Assistance Act.

[Assented to 31st March, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Section 7 of *The Canadian Vessel Construction Assistance Act*, chapter 11 of the statutes of 1949 (Second Session), is amended by adding thereto the following subsections:

“(2) In any case where

(a) a taxpayer has under subsection one made a deduction in respect of a vessel as a reserve for expenses to be incurred by reason of a quadrennial or other special survey of that vessel, and

Recapture
where
survey
completed

(b) the quadrennial or other special survey in respect of which the deduction was made has been completed to the extent that the vessel is permitted to proceed on a voyage,

the aggregate amount of the deductions in respect of the vessel that have not previously been included in computing the taxpayer's income under Part I of *The Income Tax Act*, shall be included in computing his income under Part I of *The Income Tax Act* for the taxation year in which the survey was so completed.

(3) In any case where

(a) a taxpayer has under subsection one made a deduction in respect of a vessel as a reserve for expenses to be incurred by reason of a quadrennial or other special survey of that vessel, and

Recapture
where survey
not begun or
completed.

(b) before that quadrennial or other survey was completed, the taxpayer sold the vessel or the vessel was lost or destroyed or any other circumstance arose that in the opinion of the Minister of National Revenue renders it improbable that the survey will be completed, the aggregate amount of the deductions in respect of the vessel that have not previously been included in computing the taxpayer's income under Part I of *The Income Tax Act*, shall be included in computing his income under Part I of *The Income Tax Act* for the taxation year in which the vessel was sold, lost or destroyed or in which such circumstance arose.

Application. (4) This section is applicable to the 1949 and subsequent taxation years."

PART II.

2. Section 7 of the *Canadian Vessel Construction Assistance Act*, chapter 43 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsections:

Recapture where survey completed.

"(2) In any case where

(a) a taxpayer has under subsection (1) made a deduction in respect of a vessel as a reserve for expenses to be incurred by reason of a quadrennial or other special survey of that vessel, and

(b) the quadrennial or other special survey in respect of which the deduction was made has been completed to the extent that the vessel is permitted to proceed on a voyage,

the aggregate amount of the deductions in respect of the vessel that have not previously been included in computing the taxpayer's income under Part I of the *Income Tax Act*, shall be included in computing his income under Part I of the *Income Tax Act* for the taxation year in which the survey was so completed.

Recapture where survey not begun or completed

(3) In any case where

(a) a taxpayer has under subsection (1) made a deduction in respect of a vessel as a reserve for expenses to be incurred by reason of a quadrennial or other special survey of that vessel, and

(b) before that quadrennial or other survey was completed, the taxpayer sold the vessel or the vessel was lost or destroyed or any other circumstance arose that in the opinion of the Minister of National Revenue renders it improbable that the survey will be completed, the aggregate amount of the deductions in respect of the vessel that have not previously been included in computing the taxpayer's income under Part I of the *Income Tax Act*,

shall be included in computing his income under Part I of the *Income Tax Act* for the taxation year in which the vessel was sold, lost or destroyed or in which such circumstance arose.

(4) This section is applicable to the 1949 and subsequent Application. taxation years."

3. This Part shall come into force, and Part I is repealed, Coming into force.
on the day the Revised Statutes of Canada, 1952, come Repeal.
into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 15.

An Act to Protect the Coastal Fisheries.

[Assented to 31st March, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short Title.

1. This Act may be cited as the *Coastal Fisheries Protection Act*. Short title.

Interpretation.

2. In this Act

(a) "Canadian fishing vessel" means a fishing vessel that is

Definitions
"Canadian
fishing
vessel"

(i) registered in Canada,

(ii) owned by one person domiciled and resident in Canada,

(iii) owned by two or more persons, all of whom are domiciled and resident in Canada, or

(iv) owned by a body corporate incorporated under the laws of Canada or the laws of a province and having its principal place of business in Canada;

(b) "Canadian territorial waters" means any waters designated by any Act of the Parliament of Canada or by the Governor in Council as the territorial waters of Canada, or any waters not so designated being within three marine miles of any of the coasts, bays, creeks, or harbours of Canada, and includes the inland waters of Canada;

"Canadian
territorial
waters"

(c) "fish" includes shellfish, crustaceans and marine animals;

"Fish"

(d) "fishing" means fishing for or catching or killing fish by any method;

"Fishing"

- "Fishing vessel". (e) "fishing vessel" includes any ship or boat or any other description of vessel used in or equipped for fishing or processing fish or transporting fish from fishing grounds and includes any vessel used or equipped for taking, processing or transporting marine plants;
- "Foreign fishing vessel". (f) "foreign fishing vessel" means a fishing vessel that is not a Canadian fishing vessel;
- "Government vessel". (g) "government vessel" means any vessel that belongs to or is in the service of Her Majesty in right of Canada;
- "Minister". (h) "Minister" means the Minister of Fisheries; and
- "Protection Officer". (i) "Protection Officer" means
- (i) a fishery officer within the meaning of the *Fisheries Act*,
 - (ii) an officer of the Royal Canadian Mounted Police,
 - (iii) any commissioned officer of the Royal Canadian Navy, or
 - (iv) any person authorized by the Governor in Council to enforce this Act.

Foreign Fishing Vessels.

- Entry of foreign vessels into territorial waters. 3. (1) No foreign fishing vessel shall enter Canadian territorial waters for any purpose unless authorized by
- (a) this Act or the regulations,
 - (b) any other law of Canada, or
 - (c) a treaty.
- Fishing, etc., in Canada and territorial waters. (2) No person, being aboard a foreign fishing vessel or being a member of the crew of or attached to or employed on a foreign fishing vessel shall in Canada or in Canadian territorial waters
- (a) fish or prepare to fish,
 - (b) unload, land or tranship any fish, outfit or supplies,
 - (c) ship or discharge any crew member or other person,
 - (d) purchase or obtain bait or any supplies or outfits, or
 - (e) take or prepare to take marine plants
- unless he is authorized to do so by
- (f) this Act or the regulations,
 - (g) any other law of Canada, or
 - (h) a treaty.
- Transporting fish into territorial waters. (3) No person, being aboard a Canadian fishing vessel, shall bring into Canadian territorial waters fish received outside Canadian territorial waters from a foreign fishing vessel, unless he is authorized to do so by the regulations.

Regulations.

- Regulations. 4. The Governor in Council may make regulations
- (a) for authorizing, by means of licences, permits or otherwise,

- (i) foreign fishing vessels to enter Canadian territorial waters for any purpose specified in the regulations, or
- (ii) persons to do all or any of the things described in paragraphs (a) to (e) of subsection (2) of section 3 or in subsection (3) of section 3;
- (b) respecting the issue, suspension and cancellation of any licences or permits provided for under paragraph (a), prescribing their terms, conditions and forms and the fees payable therefor;
- (c) for appointing or authorizing persons to enforce the provisions of this Act and the regulations;
- (d) designating territorial waters of Canada for the purposes of this Act;
- (e) for securing and keeping any fishing vessels or things seized pursuant to this Act; and
- (f) generally for carrying out the purposes and provisions of this Act.

Inspection, Seizure and Forfeiture.

5. A Protection Officer may

- (a) go on board of any fishing vessel found within Canadian territorial waters and stay on board so long as she remains within Canadian territorial waters,
- (b) bring the fishing vessel into port and search her cargo, and
- (c) examine the master or any member of the crew upon oath touching the cargo and voyage.

Boarding by
Protection
Officer.

6. (1) Whenever a Protection Officer suspects on reasonable grounds that an offence against this Act has been committed, he may seize Seizure.

- (a) any fishing vessel by means of or in relation to which he reasonably believes the offence was committed,
- (b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or
- (c) the fishing vessel and any of the goods mentioned in paragraph (b).

(2) A Protection Officer may arrest without warrant any person whom he on reasonable grounds suspects of having committed an offence against this Act. Arrest.

(3) Subject to this section, the fishing vessel and goods seized under subsection (1) shall be retained in the custody of the Protection Officer making the seizure or shall be delivered into the custody of such person as the Minister may direct. Custody of
seized vessels,
etc.

(4) Where fish or other perishable articles are seized under subsection (1) the Protection Officer or other person Perishable
goods.

having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

Court may
order
forfeiture.

(5) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any fishing vessel seized under subsection (1) by means of or in relation to which the offence was committed,

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4), the proceeds thereof, or

(c) the fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

Redelivery
on bond.

(6) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure, order redelivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

Seized vessel,
etc., to be
returned
unless
proceedings
instituted.

(7) Any fishing vessel or goods seized under subsection (1) or the proceeds realized from a sale thereof under subsection (4), shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the offence, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the offence are instituted.

Disposal of
forfeited
vessel, etc.

(8) Where proceedings in respect of an offence against this Act have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

Return of
seized vessel,
etc., if no
forfeiture
ordered.

(9) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under subsection (4) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may

be sold under execution in satisfaction of the fine, or the proceeds realised from a sale of any of the goods under subsection (4) may be applied in payment of the fine.

Offences and Penalties.

7. Every person is guilty of an offence who

Offences.

- (a) being master or in command of a fishing vessel,
 - (i) enters Canadian territorial waters contrary to this Act, or
 - (ii) without legal excuse, the proof whereof shall lie on him, fails to bring to when required so to do by any Protection Officer or upon signal of a government vessel;
- (b) being aboard a fishing vessel, refuses to answer any questions on oath put to him by a Protection Officer;
- (c) after signal by a government vessel to bring to, throws overboard or staves or destroys any part of the vessel's cargo, outfit or equipment; or
- (d) resists or wilfully obstructs any Protection Officer in the execution of his duty.

8. (1) Every person who violates any of the provisions of section 3 is guilty of an offence and is liable Penalties.

- (a) upon conviction on indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding two years or to both fine and imprisonment, or
- (b) upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

(2) Every person who is guilty of an offence under section 7 is liable

- (a) upon conviction on indictment to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment, or
- (b) upon summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one month or to both fine and imprisonment.

Jurisdiction of Courts.

9. All courts, justices of the peace, and magistrates in Jurisdiction
Canada have the same jurisdiction with respect to offences under this Act as they have under sections 681 to 684 of the *Canada Shipping Act, 1934*, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 1934*.

Repeal and Transitional.

- Repeal. **10.** (1) The *Customs and Fisheries Protection Act*, chapter 43 of the Revised Statutes of Canada, 1927, is repealed.
- Transitional. (2) Upon the coming into force of the Revised Statutes of Canada, 1952,
 (a) the *Customs and Fisheries Protection Act*, chapter 59 of the Revised Statutes of Canada, 1952, is repealed, and
 (b) section 9 of this Act is repealed and the following substituted therefor:
- Jurisdiction. **"9.** All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 680 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 16.

An Act to amend The Merchant Seamen Compensation Act.

[Assented to 31st March, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. Paragraph (*h*) of section 2 of *The Merchant Seamen Compensation Act*, chapter 58 of the statutes of 1946, is repealed and the following substituted therefor:

“(h) “Minister” means the Minister of Labour;”

“Minister”.

2. Paragraph (*a*) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

“(a) does not disable the seaman for a period of at least four days from earning full wages at the work at which he was employed; or”

3. (1) Paragraph (*a*) of subsection (1) of section 30 of the said Act is repealed and the following substituted therefor:

“(a) the necessary expenses of burial of the seaman not exceeding two hundred dollars;”

(2) Paragraphs (*d*), (*e*) and (*f*) of subsection (1) of section 30 of the said Act are repealed and the following substituted therefor:

“(d) where the widow or an invalid husband is the sole dependant, a monthly payment of fifty dollars;

(e) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of fifty dollars with an additional monthly payment of fifteen dollars to be increased upon the death of the widow or invalid husband to twenty-five dollars for each child under the age of eighteen years;

(f) where the dependants are children only, a monthly payment of twenty-five dollars to each child under the age of eighteen years; and"

(3) Paragraphs (a) and (b) of subsection (9) of section 30 of the said Act are repealed and the following substituted therefor:

"(a) where the widow or an invalid husband is the sole dependant, a monthly payment of fifty dollars, or if the seaman's average earnings are less than fifty dollars per month, the amount of such earnings; and

(b) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of sixty-five dollars for the widow or invalid husband and one child irrespective of the amount of the seaman's earnings, with a further monthly payment of fifteen dollars for each additional child unless the total monthly compensation exceeds the seaman's average earnings in which case the compensation shall be a sum equal to such earnings or sixty-five dollars, whichever is the greater, the share of each child entitled to compensation being reduced proportionately."

4. Section 37 of the said Act is repealed and the following substituted therefor:

Minimum
compen-
sation.

"37. The amount of compensation to which an injured seaman is entitled for temporary total or permanent total disability under this Act shall not be less than fifteen dollars per week or, where his average earnings are less than fifteen dollars per week, the amount of such earnings, and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earning capacity."

5. Subsection (1) of section 38 of the said Act is repealed and the following substituted therefor:

Compensation of
average
earnings.

"38. (1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the seaman was remunerated but not so as in any case to exceed the rate of three thousand six hundred dollars per annum."

Coming into
force.

6. This Part shall come into force on a day to be fixed by proclamation of the Governor in Council.

PART II.

7. Paragraph (h) of section 2 of the *Merchant Seamen Compensation Act*, chapter 178 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"Minister"

"(h) "Minister" means the Minister of Labour;"

8. Paragraph (a) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

“(a) does not disable the seaman for a period of at least four days from earning full wages at the work at which he was employed, or”

9. (1) Paragraph (a) of subsection (1) of section 30 of the said Act is repealed and the following substituted therefor:

“(a) the necessary expenses of burial of the seaman not exceeding two hundred dollars;”

(2) Paragraphs (d), (e) and (f) of subsection (1) of section 30 of the said Act are repealed and the following substituted therefor:

“(d) where the widow or an invalid husband is the sole dependant, a monthly payment of fifty dollars;

(e) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of fifty dollars with an additional monthly payment of fifteen dollars to be increased upon the death of the widow or invalid husband to twenty-five dollars for each child under the age of eighteen years;

(f) where the dependants are children only, a monthly payment of twenty-five dollars to each child under the age of eighteen years; and”

(3) Paragraphs (a) and (b) of subsection (9) of section 30 of the said Act are repealed and the following substituted therefor:

“(a) where the widow or an invalid husband is the sole dependant, a monthly payment of fifty dollars, or if the seaman's average earnings are less than fifty dollars per month, the amount of such earnings, and

(b) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of sixty-five dollars for the widow or invalid husband and one child irrespective of the amount of the seaman's earnings, with a further monthly payment of fifteen dollars for each additional child unless the total monthly compensation exceeds the seaman's average earnings in which case the compensation shall be a sum equal to such earnings or sixty-five dollars, whichever is the greater, the share of each child entitled to compensation being reduced proportionately.”

10. Section 37 of the said Act is repealed and the following substituted therefor:

“37. The amount of compensation to which an injured seaman is entitled for temporary total or permanent total disability under this Act shall not be less than fifteen dollars per week or, where his average earnings are less

Minimum
compen-
sation.

than fifteen dollars per week, the amount of such earnings, and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earning capacity."

11. Subsection (1) of section 38 of the said Act is repealed and the following substituted therefor:

Compensation of average earnings.

"38. (1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the seaman was remunerated but not so as in any case to exceed the rate of three thousand six hundred dollars per annum."

PART III.

Coming into force.

Repeal.

12. (1) If Part I is in force immediately before the day on which the Revised Statutes of Canada, 1952, come into force, then Part II shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

(2) If Part I is not in force immediately before the day on which the Revised Statutes of Canada, 1952, come into force, then Part I is repealed on the day the Revised Statutes of Canada, 1952, come into force, and Part II shall come into force on a day to be fixed by proclamation of the Governor in Council.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 17.

An Act respecting The Saint John Bridge and Railway Extension Company.

[Assented to 31st March, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Upon the payment by Canadian Pacific Railway Company to Her Majesty in right of Canada of the sum of four hundred and thirty-three thousand nine hundred dollars, being the principal amount now owing to Her Majesty by The Saint John Bridge and Railway Extension Company under a mortgage, dated the 10th day of December, 1883, given pursuant to chapter 26 of the statutes of 1883, together with the interest now due thereon, there is hereby transferred from Her Majesty in right of Canada to Canadian Pacific Railway Company

Mortgage
transferred.

- (a) the right to demand, sue for, recover and give receipts for the said principal amount and the interest now due and thenceforth to become due thereon;
- (b) the benefit of all securities for the said principal amount, and the benefit of and the right to sue on all covenants with Her Majesty and the right to exercise all powers of Her Majesty under the said mortgage; and
- (c) all the estate and interest in the mortgaged property now vested in Her Majesty, but subject to the right of redemption now subsisting.

2. To remove doubts it is hereby declared that Canadian Pacific Railway Company has and always has had power to acquire the property referred to in section 1 and to lease and operate the same and to acquire and hold any shares, bonds or other securities of The Saint John Bridge and Railway Extension Company.

C.P.R. may
acquire and
operate
property.

Agreements
for sale,
lease or
amalgama-
tion.

3. Subject to the provisions of sections 151, 152 and 153 of the *Railway Act*, chapter 170 of the Revised Statutes of Canada, 1927, The Saint John Bridge and Railway Extension Company and Canadian Pacific Railway Company may enter into an agreement or agreements for any of the purposes specified in the said section 151, but the approval of the shareholders of the Canadian Pacific Railway Company to such agreement or agreements is sufficient if the provisions of section 6 of chapter 47 of the statutes of 1890 are complied with.

Agreements
for sale,
lease or
amalgama-
tion.

4. Upon the coming into force of the Revised Statutes of Canada, 1952, section 3 of this Act is repealed and the following substituted therefor:

"3. Subject to the provisions of sections 153, 154 and 155 of the *Railway Act*, chapter 234 of the Revised Statutes of Canada, 1952, The Saint John Bridge and Railway Extension Company and Canadian Pacific Railway Company may enter into an agreement or agreements for any of the purposes specified in the said section 153, but the approval of the shareholders of the Canadian Pacific Railway Company to such agreement or agreements is sufficient if the provisions of section 6 of chapter 47 of the statutes of 1890 are complied with."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 18.

An Act to amend The Statistics Act.

[Assented to 31st March, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. (1) Paragraph (b) of section 2 of *The Statistics Act*, chapter 45 of the statutes of 1947-48, is repealed and the following substituted therefor:

“(b) ‘carrier’ means any person engaged in the business of transporting persons, goods, wares or merchandise by land, water or air;” “Carrier”.

(2) Paragraph (e) of section 2 of the said Act is repealed and the following substituted therefor:

“(e) ‘public utility’ means any person owning, operating or managing an undertaking for the supply of electricity, gas or water or for the supply of any telegraph, cable or telephone service; and” “Public utility”.

2. Section 5 of the said Act is amended by adding thereto the following subsection:

“(2) The Minister may, for such periods as he may determine, utilize the services of any member of the public service of Canada in the exercise or performance of any duty, power or function of the Bureau or officer of the Bureau under this or any other Act, and every person whose services are so utilized shall, for the purposes of this Act, be deemed to be employed under this Act.” Other public servants.

3. Subsection (3) of section 15 of the said Act is repealed and the following substituted therefor:

“(3) This section does not apply to (a) returns or answers made pursuant to section twenty-five or section twenty-six; Exceptions.

- (b) returns or answers made by any hospital, library, university, mental institution, tuberculosis institution, charitable and benevolent institution or other similar non-commercial institution, except particulars of a financial nature comprised in any individual return or particulars so arranged as to enable any person to identify them as being particulars relating to any individual patient, inmate or other person in the care of any such institution; or
- (c) an index or list, whether published separately or in a report, summary of statistics or other publication under this Act, of particulars, taken from individual returns, of
 - (i) the names and locations of individual firms or businesses, or
 - (ii) the types of products produced, manufactured or dealt with by individual firms or businesses, but no such list or index shall otherwise reveal any of the particulars comprised in any individual return."

4. Section 19 of the said Act is repealed and the following substituted therefor:

Census details.

"19. Each census of population and agriculture shall be so taken as to ascertain with the utmost possible accuracy for Canada, its various territorial divisions or the provinces of Manitoba, Saskatchewan and Alberta, as the case may be,

- (a) the population;
- (b) the number of houses for habitation;
- (c) the number of farms;
- (d) such characteristics of the subjects described in paragraphs (a), (b) and (c) as may be prescribed by the Governor in Council; and
- (e) such other matters as may be prescribed by the Governor in Council."

5. Section 22 of the said Act is amended by adding thereto the following paragraph:

Statistics on inland and coastal commerce and navigation.

"(c) prepare such reports as the Minister may require on the statistics of commerce and navigation on the inland waterways of Canada or in connection with the coastal trade of Canada or both."

6. Section 28 of the said Act is repealed and the following substituted therefor:

Courts to furnish criminal statistics

"28. The clerk of every court or tribunal administering criminal justice, or in case of there being no clerk, the judge or other functionary presiding over such court or tribunal shall, at such times, in such manner and respecting such

periods as the Minister may direct, fill in and transmit the schedules he receives relating to the criminal business transacted in such court or tribunal."

7. Section 29 of the said Act is repealed and the following substituted therefor:

"**29.** The warden of every penitentiary and reformatory and the sheriff of every county, district or other territorial division shall, at such times, in such manner and respecting such periods as the Minister may direct, fill in and transmit the schedules he receives relating to the prisoners committed to any penitentiary, reformatory or gaol under his charge or within his jurisdiction." Wardens and sheriffs.

8. Section 31 of the said Act is repealed and the following substituted therefor:

"**31.** The Secretary of State shall cause to be filled in and transmitted to the Dominion Statistician, at such times and for such periods as the Minister may direct, such schedules as the Minister may prescribe relative to the cases in which the prerogative of mercy has been exercised." Pardons.

PART II.

9. (1) Paragraph (b) of section 2 of the *Statistics Act*, chapter 257 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"(b) 'carrier' means any person engaged in the business of transporting persons, goods, wares or merchandise by land, water or air;" "Carrier".

(2) Paragraph (e) of section 2 of the said Act is repealed and the following substituted therefor:

"(e) 'public utility' means any person owning, operating or managing an undertaking for the supply of electricity, gas or water or for the supply of any telegraph, cable or telephone service; and" "Public utility".

10. Section 5 of the said Act is amended by adding thereto the following subsection:

"(2) The Minister may, for such periods as he may determine, utilize the services of any member of the public service of Canada in the exercise or performance of any duty, power or function of the Bureau or officer of the Bureau under this or any other Act, and every person whose services are so utilized shall, for the purposes of this Act, be deemed to be employed under this Act." Other public servants.

11. Subsection (3) of section 15 of the said Act is repealed and the following substituted therefor:

"(3) This section does not apply to" Exceptions.

- (a) returns or answers made pursuant to section 25 or section 26;
- (b) returns or answers made by any hospital, library, university, mental institution, tuberculosis institution, charitable and benevolent institution or other similar non-commercial institution, except particulars of a financial nature comprised in any individual return or particulars so arranged as to enable any person to identify them as being particulars relating to any individual patient, inmate or other person in the care of any such institution; or
- (c) an index or list, whether published separately or in a report, summary of statistics or other publication under this Act, of particulars, taken from individual returns, of
 - (i) the names and locations of individual firms or businesses, or
 - (ii) the types of products produced, manufactured or dealt with by individual firms or businesses, but no such list or index shall otherwise reveal any of the particulars comprised in any individual return."

12. Section 19 of the said Act is repealed and the following substituted therefor:

Census details.

"19. Each census of population and agriculture shall be so taken as to ascertain with the utmost possible accuracy for Canada, its various territorial divisions or the provinces of Manitoba, Saskatchewan and Alberta, as the case may be,

- (a) the population;
- (b) the number of houses for habitation;
- (c) the number of farms;
- (d) such characteristics of the subjects described in paragraphs (a), (b) and (c) as may be prescribed by the Governor in Council; and
- (e) such other matters as may be prescribed by the Governor in Council."

13. Section 22 of the said Act is amended by adding thereto the following paragraph:

Statistics on inland and coastal commerce and navigation.

"(c) prepare such reports as the Minister may require on the statistics of commerce and navigation on the inland waterways of Canada or in connection with the coastal trade of Canada or both."

14. Section 28 of the said Act is repealed and the following substituted therefor:

Courts to furnish criminal statistics.

"28. The clerk of every court or tribunal administering criminal justice, or in case of there being no clerk, the judge or other functionary presiding over such court or tribunal

shall, at such times, in such manner and respecting such periods as the Minister may direct, fill in and transmit the schedules he receives relating to the criminal business transacted in such court or tribunal."

15. Section 29 of the said Act is repealed and the following substituted therefor:

"**29.** The warden of every penitentiary and reformatory and the sheriff of every county, district or other territorial division shall, at such times, in such manner and respecting such periods as the Minister may direct, fill in and transmit the schedules he receives relating to the prisoners committed to any penitentiary, reformatory or gaol under his charge or within his jurisdiction." Wardens and
sheriffs.

16. Section 31 of the said Act is repealed and the following substituted therefor:

"**31.** The Secretary of State shall cause to be filled in and transmitted to the Dominion Statistician, at such times and for such periods as the Minister may direct, such schedules as the Minister may prescribe relative to the cases in which the prerogative of mercy has been exercised." Pardons.

17. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 19.

An Act to Prevent Discrimination in regard to Employment and Membership in Trade Unions by reason of Race, National Origin, Colour or Religion.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canada Fair Employment Practices Act*. Short title.

INTERPRETATION.

2. In this Act,

- (a) "Director" means the officer of the Department of Labour designated by the Minister to receive and deal with complaints under this Act; Definitions.
"Director".
- (b) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons; "Employment agency".
- (c) "employee" means any person employed by an employer; "Employee".
- (d) "employer" means a person who employs five or more employees, and includes any person acting on behalf of an employer, but does not include any exclusively charitable, philanthropic, educational, fraternal, religious or social organization or corporation that is not operated for private profit, or any organization that is operated primarily to foster the welfare of a religious or racial group and is not operated for private profit; "Employer".
- (e) "employers' organization" means an organization of employers formed for purposes including the regulation of relations between employers and employees; "Employers organization".

- "Minister". (f) "Minister" means the Minister of Labour;
 "National origin". (g) "national origin" includes nationality and ancestry;
 "Person". (h) "person" includes employment agency, trade union and employers' organization; and
 "Trade union". (i) "trade union" means any organization of employees formed for the purpose of regulating relations between employees and employers.

APPLICATION.

- Application **3.** This Act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, including, but not so as to restrict the generality of the foregoing,
- (a) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;
 - (b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;
 - (c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;
 - (d) ferries between any province and any other province or between any province and any country other than Canada;
 - (e) aerodromes, aircraft and lines of air transportation;
 - (f) radio broadcasting stations;
 - (g) banks and banking;
 - (h) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and
 - (i) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;
- and to and in respect of
- (j) employers engaged in any such work, undertaking or business;
 - (k) employees or other persons employed or seeking employment upon or in connection with any such work, undertaking or business;
 - (l) trade unions composed of such employees; and
 - (m) the employment by any corporation established to perform any function or duty on behalf of the Government of Canada of employees.

PROHIBITED EMPLOYMENT PRACTICES.

4. (1) No employer shall refuse to employ or to continue to employ, or otherwise discriminate against any person in regard to employment or any term or condition of employment because of his race, national origin, colour or religion. Employers not to discriminate.

(2) No employer shall use, in the hiring or recruitment of persons for employment, any employment agency that discriminates against persons seeking employment because of their race, national origin, colour or religion. Use of employment agencies that discriminate.

(3) No trade union shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members or discriminate against any person in regard to his employment by any employer, because of that person's race, national origin, colour or religion. Membership in trade unions.

(4) No employer or trade union shall discharge, expel or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Act. Discharge, expulsion, etc.

(5) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry in connection with employment that expresses either directly or indirectly any limitation, specification or preference as to race, national origin, colour or religion unless the limitation, specification or preference is based upon a *bona fide* occupational qualification.

(6) Whenever any question arises under this section as to whether a trade union discriminates contrary to this section, no presumption shall be made or inference drawn from the name of the trade union.

ENFORCEMENT PROCEDURE.

5. (1) Any person claiming to be aggrieved because of an alleged violation of any of the provisions of this Act may make a complaint in writing to the Director and the Director may instruct an officer of the Department of Labour or any other person to inquire into the complaint. Complaint.

(2) The officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matters complained of. Inquiry.

(3) If the officer is unable to effect a settlement of the matters complained of, the Minister may upon the recommendation of the Director refer the matters involved in the complaint to a Commission, consisting of one or more Reference to Industrial Inquiry Commission.

persons, to be appointed by the Minister and to be known as an Industrial Inquiry Commission, for investigation with a view to the settlement of the complaint.

Inquiry by
Commission.

(4) Immediately following its appointment, an Industrial Inquiry Commission shall inquire into the matters referred to it and shall give full opportunity to all parties to present evidence and make representations and, in the case of any matter involved in a complaint in which settlement is not effected in the meantime, if it finds that the complaint is supported by the evidence, shall recommend to the Minister the course that ought to be taken with respect to the complaint, which may include reinstatement, with or without compensation for loss of employment.

Majority
recommendation
prevails.

(5) If the Industrial Inquiry Commission is composed of more than one person, the recommendations of the majority constitute the recommendations of the Commission.

Clarification
of recom-
mendations.

(6) After an Industrial Inquiry Commission has made its recommendations, the Minister may direct it to clarify or amplify its recommendations, and they shall be deemed not to have been received by the Minister until they have been so clarified or amplified.

Copy of
recommendations
to
persons
affected.

(7) Upon receipt of the recommendations of an Industrial Inquiry Commission appointed under this section, the Minister shall furnish a copy thereof to each of the persons affected and shall publish the same if he deems it advisable in such manner as he sees fit.

Minister's
order.

(8) The Minister may issue whatever order he deems necessary to carry the recommendations of the Commission into effect and any order made by the Minister under this subsection is final and conclusive and is not open to question or review.

Compliance
with order.

(9) Every person in respect of whom an order is made under this section shall comply with such order.

Procedure.

(10) An Industrial Inquiry Commission may determine its own procedure and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it sees fit, whether admissible in a court of law or not, and has all the powers of an Industrial Inquiry Commission appointed under the *Industrial Relations and Disputes Investigation Act*.

Remunera-
tion.

(11) The person designated by the Minister to be the Chairman of an Industrial Inquiry Commission, and the other members thereof, shall be paid remuneration and expenses at the same rate as is payable to a Chairman and members of an Industrial Inquiry Commission appointed under the *Industrial Relations and Disputes Investigation Act*.

Other
proceedings
not affected.

(12) Nothing in this section operates to restrict the right of any aggrieved person to initiate proceedings under any

other provisions of this Act before a court, judge or magistrate against any person for an alleged contravention of this Act.

OFFENCES AND PENALTIES.

6. Every person who does anything prohibited by this Act or who refuses or neglects to do anything required by this Act is guilty of an offence, and except where some other penalty is by this Act provided for the act, refusal or neglect, is liable on summary conviction

Offence.

(a) if an individual, to a fine not exceeding one hundred dollars, and

(b) if a corporation, trade union, employers' organization or employment agency, to a fine not exceeding five hundred dollars.

7. Where an employer is convicted for violation of section 4 by reason of his having suspended, transferred, laid off or discharged an employee contrary to this Act, the convicting court, judge or magistrate, in addition to any other penalty, may order the employer to pay compensation for loss of employment to the employee not exceeding such sum as in the opinion of the court, judge or magistrate, as the case may be, is equivalent to the wages, salary or remuneration that would have accrued to the employee up to the date of conviction but for such suspension, transfer, lay off or discharge, and may order the employer to reinstate the employee in his employ at such date as in the opinion of the court, judge or magistrate is just and proper in the circumstances in the position the employee would have held but for such suspension, transfer, lay off or discharge.

Payment to employee and reinstatement.

8. A prosecution for an offence under this Act may be brought against an employers' organization or a trade union in the name of the organization or union, and for the purpose of such prosecution an employers' organization or trade union shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of an employers' organization or trade union within the scope of his authority to act on behalf of the organization or trade union shall be deemed to be an act or thing done or omitted by the employers' organization or trade union.

Prosecution of employers' organization or trade union.

9. (1) No prosecution for an offence under this Act shall be instituted without the consent in writing of the Minister.

Consent to prosecution.

(2) No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity.

Other
inquiries.

10. The Minister where he deems it expedient may undertake or cause to be undertaken such inquiries and other measures as appear advisable to him to promote the purposes of the Act.

Exception.

11. Nothing in this Act shall be construed to require a person to employ anyone or to do or refrain from doing any other thing contrary to any instruction, direction or regulation given or made by or on behalf of the Government of Canada in the interests of the safety or security of Canada or any state allied or associated with Canada.

REGULATIONS.

Regulations.

12. The Governor in Council may make regulations to carry out the purposes and provisions of this Act.

COMING INTO FORCE.

Coming into
force.

13. This Act shall come into force on the 1st day of July, 1953.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 20.

An Act to amend the Canada Shipping Act, 1934.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. (1) Paragraphs (a) to (f) of subsection (1) of section 114 of the *Canada Shipping Act, 1934*, chapter 44 of the statutes of 1934, are repealed and the following substituted therefor:

- “(a) if the steamship is a foreign-going ship, of one hundred nominal horse power or upwards where the propelling machinery is compound steam engines, or of forty-five nominal horse power or upwards where the propelling machinery is of any other type, with at least two engineers, one of whom shall be a first class engineer, and the other at least a second class engineer, duly certificated;
- (b) if the steamship is a foreign-going ship, of less than one hundred nominal horse power where the propelling machinery is compound steam engines, or of less than forty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated;
- (c) if the steamship is a foreign-going ship, solely employed in fishing, of more than twenty but of not more than seventy-five nominal horse power where the propelling machinery is compound steam engines, or of more than ten but not more than twenty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a third class engineer, duly certificated;

- (d) if the steamship is a home-trade, inland waters or minor waters passenger ship, of more than forty-five nominal horse power where the propelling machinery is compound steam engines, or of more than fifteen nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated;
- (e) if the steamship is a home-trade, inland waters or minor waters passenger ship, of not more than forty-five nominal horse power where the propelling machinery is compound steam engines, or of not more than fifteen nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a third class engineer, duly certificated, or, if the ship is of the nominal horse power in respect of which a temporary engineer certificate may be issued under the provisions of section one hundred and twenty-five, an engineer with a temporary certificate;
- (f) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship, of more than seventy-five nominal horse power where the propelling machinery is compound steam engines, or of more than twenty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated;
- (g) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship, of more than twenty but not more than seventy-five nominal horse power where the propelling machinery is compound steam engines, or of more than ten but not more than twenty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a third class engineer, duly certificated."

Application.

(2) This section does not apply in respect of a steamship that is provided with engineers who obtained their certificates of competency as engineers before the coming into force of this section.

Coming into force.

(3) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

2. (1) Subsection (2) of section 406 of the said Act is repealed and the following substituted therefor:

Other passenger steamships.

"(2) All passenger steamships, whether registered in Canada or not, other than passenger steamships of not more than sixty-five feet in length (measured from end to end over the deck exclusive of sheer), that are not within subsection one of this section shall before leaving any place in Canada on any voyage outside of a port, unless exempted under the

provisions of this Act or of the regulations made thereunder, be fitted with a radio installation complying with the provisions of the Safety Convention applicable to ships fitted with a radiotelegraph installation, and shall carry such operators with such qualifications who shall keep such watches as the Minister may prescribe, and while keeping such watches operators shall not engage in any other duties that in any way interfere with the keeping of watches.

(3) Subsection two also applies to all other steamships of five thousand tons gross tonnage or upwards going on any voyage outside of a port not being an inland voyage.

(4) The Governor in Council may upon such terms and conditions as he may see fit exempt from the obligations imposed by subsections two and three of this section any ship or class of ships if he is of the opinion that, having regard to the nature of the voyage in which the ship is engaged and the radiotelephone installation on the ship, or other circumstances of the case, the provision of a radiotelegraph installation or the operation thereof is unnecessary or unreasonable.” Exemptions.

(2) Section 406 of the said Act is further amended by adding thereto the following subsections:

“(5) The conditions of operation of the radio installations on board any vessel covered by this section shall comply with the Radio Regulations annexed to the International Telecommunication Convention in force.” Radio Regulations to govern.

(6) The Governor in Council may by regulation, to the extent and upon such terms and conditions as he may prescribe, provide that Regulations.

(a) a ship navigating on the Great Lakes or on the River St. Lawrence above the lower exit of the Lachine Canal and the Victoria Bridge at Montreal,

(b) a cargo ship of five hundred tons gross tonnage or upwards but not exceeding five thousand tons gross tonnage going on any voyage outside of a port, and

(c) a ship under five hundred tons gross tonnage engaged in towing another vessel of five hundred tons gross tonnage or over or engaged in towing any other floating object having a dimension in any direction of one hundred and fifty feet or more

shall be fitted with a radiotelephone installation.”

(3) Subsections (3) and (4) of section 406 of the said Act are renumbered as subsections (7) and (8) respectively. Renumbering.

(4) Subsection (1) of this section shall not come into force on, or in respect of, any sea or inland water of Canada until proclaimed by the Governor in Council to be in force on, or in respect of, such sea or inland water. Coming into force.

3. (1) Section 411 of the said Act is repealed and the following substituted therefor:

Radio stations and apparatus to be licensed

"411. No person shall establish any radio station or install or operate or have in his possession any radio apparatus consisting of a reasonably complete and sufficient combination of distinct radio appliances intended for or capable of being used as a radio station on board any Canadian ship or any vessel licensed in Canada except under and in accordance with a licence granted in that behalf by the Minister under this Act or *The Radio Act, 1938*."

(2) Subsection (1) of section 412 of the said Act is repealed and the following substituted therefor:

Penalty for establishing stations and apparatus illegally.

"412. (1) Any person who establishes a radio station or installs or operates or has in his possession any radio apparatus on any vessel in violation of the provisions of this Act or of any regulations made hereunder, is liable on summary conviction to a fine not exceeding fifty dollars, and on conviction under indictment to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months, and in either case is liable to forfeit to Her Majesty, any radio apparatus installed or operated without a licence."

4. Section 475 of the said Act is repealed and the following substituted therefor:

Steamships not over five tons, pleasure yachts and tow barges.

"475. Steamships not in excess of five tons gross tonnage, pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, and tow barges that carry a crew but not passengers, are exempt from annual inspection, and from the regulations the Governor in Council may make under the provisions of section four hundred and five of this Act except as concerns life saving equipment, fire extinguishing equipment and precautions against fire, and inspection of boilers as required by section four hundred and seventy-three A."

5. The said Act is further amended by adding thereto, immediately after section 608 thereof, the following section:

Appointment of port wardens at ports designated by G. in C.

"608A. (1) The Governor in Council may designate harbours or districts at which port wardens, deputy port wardens and such clerks and servants necessary for the proper conduct of the port warden's office may be appointed in the manner authorized by law, all of whom hold office during pleasure.

Deputies

(2) All acts done by or before such deputy port wardens have the same effect as if done by or before a port warden.

Fees.

(3) All fees received under this Part by port wardens appointed under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.

Other offices.

(4) A port warden or deputy port warden appointed under this section may be appointed to any other office

under this Act and in such case, in addition to his salary as port warden or deputy port warden, shall be remunerated for his services in such other office in the manner provided under this Act for that office.

(5) Sections six hundred and eight, six hundred and ten and six hundred and thirty-three do not apply to port wardens, deputy port wardens, clerks or servants appointed under this section.” Exceptions.

6. Section 21 and Part VI of the said Act shall come into force in the Province of Newfoundland on a day to be fixed by proclamation of the Governor in Council, and, until a day is so fixed, the laws in force in Newfoundland at the date of Union between Newfoundland and Canada relating to the same subject matter shall continue in force. Application of s. 21 and Part VI to Newfoundland.

PART II.

7. (1) Paragraphs (i) to (vii) of subsection (1) of section 115 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

- “(i) if the steamship is a foreign-going ship, of one hundred nominal horse power or upwards where the propelling machinery is compound steam engines, or of forty-five nominal horse power or upwards where the propelling machinery is of any other type, with at least two engineers, one of whom shall be a first class engineer, and the other at least a second class engineer, duly certificated;
- (ii) if the steamship is a foreign-going ship, of less than one hundred nominal horse power where the propelling machinery is compound steam engines, or of less than forty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated;
- (iii) if the steamship is a foreign-going ship, solely employed in fishing, of more than twenty but of not more than seventy-five nominal horse power where the propelling machinery is compound steam engines, or of more than ten but not more than twenty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a third class engineer, duly certificated;
- (iv) if the steamship is a home-trade, inland waters or minor waters passenger ship, of more than forty-five nominal horse power where the propelling machinery is compound steam engines, or of

more than fifteen nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated;

(v) if the steamship is a home-trade, inland waters or minor waters passenger ship, of not more than forty-five nominal horse power where the propelling machinery is compound steam engines, or of not more than fifteen nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a third class engineer, duly certificated, or, if the ship is of the nominal horse power in respect of which a temporary engineer certificate may be issued under the provisions of section 128, an engineer with a temporary certificate;

(vi) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship, of more than seventy-five nominal horse power where the propelling machinery is compound steam engines, or of more than twenty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated;

(vii) if the steamship is a home-trade, inland waters, or minor waters ship, other than a passenger ship, of more than twenty but not more than seventy-five nominal horse power where the propelling machinery is compound steam engines, or of more than ten but not more than twenty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a third class engineer, duly certificated."

Application.

(2) This section does not apply in respect of a steamship that is provided with engineers who obtained their certificates of competency as engineers before the coming into force of this section.

Coming into force.

(3) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

8. (1) Subsections (6), (7) and (8) of section 411 of the said Act are repealed and the following substituted therefor:

Other passenger steamships.

"(6) All passenger steamships, whether registered in Canada or not, other than passenger steamships of not more than sixty-five feet in length (measured from end to end over the deck exclusive of sheer), that are not within subsection (1) or (5), shall before leaving any place in

Canada on any voyage outside of a port, unless exempted under the provisions of this Act or of the regulations made thereunder, be fitted with a radio installation complying with the provisions of the Safety Convention applicable to ships fitted with a radiotelegraph installation, and shall carry such operators with such qualifications who shall keep such watches as the Minister may prescribe, and while keeping such watches operators shall not engage in any other duties which in any way interfere with the keeping of watches.

(7) Subsection (6) also applies to all other steamships of five thousand tons gross tonnage or upwards going on any voyage outside of a port not being an inland voyage.

(8) The Governor in Council may upon such terms and conditions as he may see fit exempt from the obligations imposed by subsections (6) and (7) any ship or class of ships if he is of the opinion that, having regard to the nature of the voyage in which the ship is engaged and the radiotelephone installation on the ship, or other circumstances of the case, the provision of a radiotelegraph installation or the operation thereof is unnecessary or unreasonable.” Exemptions.

(2) Section 411 of the said Act is further amended by adding thereto the following subsections:

“(9) The conditions of operation of the radio installations on board any vessel covered by this section shall comply with the Radio Regulations annexed to the International Telecommunication Convention in force.” Radio
Regulations
to govern.

(10) The Governor in Council may by regulation, to the extent and upon such terms and conditions as he may prescribe, provide that Regulations.

- (a) a ship navigating on the Great Lakes or on the River St. Lawrence above the lower exit of the Lachine Canal and the Victoria Bridge at Montreal,
 - (b) a cargo ship of five hundred tons gross tonnage or upwards but not exceeding five thousand tons gross tonnage going on any voyage outside of a port, and
 - (c) a ship under five hundred tons gross tonnage engaged in towing another vessel of five hundred tons gross tonnage or over or engaged in towing any other floating object having a dimension in any direction of one hundred and fifty feet or more
- shall be fitted with a radiotelephone installation.”

(3) Subsections (9) and (10) of section 411 of the said Act are renumbered as subsections (11) and (12) respectively. Re-
numbering.

(4) Subsection (1) of this section shall not come into force on, or in respect of, any sea or inland water of Canada until proclaimed by the Governor in Council to be in force on, or in respect of, such sea or inland water. Coming into
force.

9. (1) Section 416 of the said Act is repealed and the following substituted therefor;

Radio stations and apparatus to be licensed.

“416. No person shall establish any radio station or install or operate or have in his possession any radio apparatus consisting of a reasonably complete and sufficient combination of distinct radio appliances intended for or capable of being used as a radio station on board any Canadian ship or any vessel licensed in Canada except under and in accordance with a licence granted in that behalf by the Minister under this Act or *The Radio Act*.”

(2) Subsection (1) of section 417 of the said Act is repealed and the following substituted therefor:

Penalty for establishing stations and apparatus illegally.

“417. (1) Any person who establishes a radio station or installs or operates or has in his possession any radio apparatus on any vessel in violation of the provisions of this Act or of any regulations made hereunder, is liable on summary conviction to a fine not exceeding fifty dollars, and on conviction under indictment to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months, and in either case is liable to forfeit to Her Majesty, any radio apparatus installed or operated without a licence.”

10. Section 481 of the said Act is repealed and the following substituted therefor:

Steamships not over five tons, pleasure yachts and tow barges.

“481. Steamships not in excess of five tons gross tonnage, pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, and tow barges that carry a crew but not passengers, are exempt from annual inspection, and from the regulations the Governor in Council may make under the provisions of section 410 except as concerns life saving equipment, fire extinguishing equipment and precautions against fire, and inspection of boilers as required by section 479.”

11. The said Act is further amended by adding thereto, immediately after section 616, the following section:

Appointment of port wardens at ports designated by G. in C.

“616A. (1) The Governor in Council may designate harbours or districts at which port wardens, deputy port wardens and such clerks and servants necessary for the proper conduct of the port warden’s office may be appointed in the manner authorized by law, all of whom hold office during pleasure.

Deputies.

(2) All acts done by or before such deputy port wardens have the same effect as if done by or before a port warden.

Fees.

(3) All fees received under this Part by port wardens appointed under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.

(4) A port warden or deputy port warden appointed under this section may be appointed to any other office under this Act and in such case, in addition to his salary as port warden or deputy port warden, shall be remunerated for his services in such other office in the manner provided under this Act for that office. Other offices.

(5) Sections 616, 618 and 641 do not apply to port wardens, deputy port wardens, clerks or servants appointed under this section.” Exceptions.

12. Section 21 and Part VI of the said Act shall come into force in the Province of Newfoundland on a day to be fixed by proclamation of the Governor in Council, and, until a day is so fixed, the laws in force in Newfoundland at the date of Union between Newfoundland and Canada relating to the same subject matter shall continue in force. Application of s. 21 and Part VI to Newfoundland.

13. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force. Coming into force.
Repeal.

PART III.

14. *An Act to amend the Canada Shipping Act, 1934*, chapter 26 of the statutes of 1950, is amended by adding thereto the following section:

“**64.** (1) Notwithstanding anything in this Act and notwithstanding the issue of a proclamation under section sixty-three of this Act, subsections three, four, seven, nine to thirteen, and sixteen to nineteen of section one, subsection two of section fourteen, section sixteen, sections twenty-three to twenty-six, sections twenty-eight to thirty-four, subsection three of section thirty-five, sections thirty-six to forty-nine, sections fifty-two to fifty-eight, and section sixty-one of this Act are not applicable in respect of any country that is a party to the International Convention for the Safety of Life at Sea, signed at London on the thirty-first day of May, 1929, but is not a party to the International Convention for the Safety of Life at Sea, 1948. Operation.

(2) Subsection one of this section is repealed on a day to be fixed by proclamation of the Governor in Council.” Repeal.

15. Section 3 of this Act shall be deemed to have come into force on the 31st day of March, 1953. Application of s. 3.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 21.

An Act to Authorize the Grant of Assistance to a Province
for the Conservation of Water Resources.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:

1. This Act may be cited as the *Canada Water Conservation Assistance Act*. Short title

2. In this Act,

- (a) "agreement" means an agreement made under sub-section (1) of section 3; Definitions
"Agreement".
- (b) "local authority" means a body corporate designated by a province as a co-operating agency for carrying out a conservation project in that province; and "Local authority".
- (c) "Minister" means the Minister of Resources and Development. "Minister".

3. (1) With the approval of the Governor in Council the Minister may enter into agreements with any province providing for contributions by Canada in respect of the cost of projects for the construction of dams and other works for the conservation and control of water resources in that province. Agreements with provinces

(2) An agreement shall prescribe the location, the time, the standards and the method of construction of the project and shall include terms and conditions respecting Terms

- (a) the calling of tenders and the review by the Minister of tenders and specifications;
- (b) the inspection by the Minister of the project during construction;
- (c) the method of determining the cost of construction;
- (d) the amount of the contribution; and
- (e) the examination, inspection and audit of all construction costs and accounts.

(3) An agreement shall also provide that

- (a) the province will carry out the project;

Idem.

(b) the province will carry out a programme of reforestation or other ancillary conservation measures in the area affected by the project, unless the agreement provides that reforestation or other ancillary conservation measures are not required;

(c) the province will provide adequate protection for fish and wildlife resources in the said area;

and may include such other terms and conditions as the Minister considers necessary or desirable.

Agreements
between
provinces
and local
authorities.

4. Where an agreement has been entered into with a province with respect to a project, then, for the purposes of this Act, local authorities of the province may, pursuant to an undertaking between the province and the local authorities, carry out all or part of the project on behalf of the province and share in paying the cost thereof.

Contribu-
tions.

5. (1) The Minister may, in accordance with an agreement with a province and subject to this Act, pay contributions to the province out of money appropriated by Parliament for the purposes of this Act.

Contributions
limited to
37½%.

(2) The contributions paid by Canada in respect of an agreement with a province shall not exceed the amount paid by the province in respect of the project referred to in the agreement, and in no case shall the contributions paid by Canada exceed thirty-seven and one-half per cent of the cost of the project, as determined by the Governor in Council.

Contribu-
tions depend-
ent on all
agreements
being ful-
filled.

(3) No contributions shall be paid in respect of an agreement with a province unless all other agreements under this Act with that province are being carried out in a manner acceptable to the Minister.

Revenue-
producing
projects.

(4) Where revenue-producing works are part of a project, the revenues that may be derived from such works shall be taken into consideration in determining the amount of the contribution by Canada.

Contribu-
tions
limited to
major
projects.

(5) Contributions under this Act shall be limited to projects that in the opinion of the Governor in Council are of a major character.

Employees.

6. All officers, clerks and other employees required for carrying out the provisions of this Act shall be appointed in accordance with the provisions of the *Civil Service Act*.

Regulations.

7. The Governor in Council may make regulations for carrying out the purposes and provisions of this Act.

Report to
Parliament.

8. The Minister shall annually lay before Parliament a report of all proceedings under this Act for the preceding fiscal year.

1 - 2 ELIZABETH II

CHAP. 22.

An Act to amend The Canadian Broadcasting Act, 1936.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 14 of *The Canadian Broadcasting Act, 1936*, chapter 24 of the statutes of 1936, is amended by adding thereto the following subsection:

“(4) The Minister of Finance shall from time to time grant to the Corporation out of the Consolidated Revenue Fund amounts that, in the opinion of the Minister of National Revenue, are equal to the taxes collected under Part XI of the *Excise Tax Act* in respect of the goods mentioned in section six of Schedule I to that Act.”

Minister to grant amounts.

2. Section 14 of the *Canadian Broadcasting Act*, chapter 32 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

“(4) The Minister of Finance shall from time to time grant to the Corporation out of the Consolidated Revenue Fund amounts that, in the opinion of the Minister of National Revenue, are equal to the taxes collected under Part IV of the *Excise Tax Act* in respect of the goods mentioned in section 6 of Schedule I to that Act.”

Minister to grant amounts.

3. Section 2 shall come into force, and section 1 is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Coming into force.
Repeal.

1 - 2 ELIZABETH II

CHAP. 23.

An Act to amend The Canadian Citizenship Act.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. (1) Section 2 of *The Canadian Citizenship Act*, chapter 15 of the statutes of 1946, as amended by section 1 of chapter 29 of the statutes of 1950, is amended by adding thereto, immediately after paragraph (b) thereof, the following paragraph:

“(bb) ‘Canadian domicile’ means Canadian domicile as defined in the laws respecting immigration that are or were in force at the time the Canadian domicile of a person is relevant under this Act;”

“Canadian domicile”.

(2) Paragraph (d) of the said section 2 is repealed and the following substituted therefor:

“(d) ‘certificate of citizenship’ means a certificate of citizenship granted or issued under this Act;”

“Certificate of citizenship”.
Repeal.

(3) Paragraph (f) of the said section 2 is repealed and the following is substituted therefor:—

“(f) ‘Clerk’ or ‘Clerk of the Court’ includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated by the Governor in Council to act as a court for the purposes of this Act, means any such officer approved by the Minister and available to assist the said person as his clerk or, if no such officer is so approved, means the said person,”

(4) Paragraph (j) of the said section 2 is repealed.

(5) The said section 2 is further amended by adding thereto, immediately after paragraph (m) thereof, the following paragraph:

"Place of domicile".

"(mm) 'place of domicile' means the place in which a person has his home or in which he resides or to which he returns as his place of permanent abode and does not mean a place in which he stays for a mere special or temporary purpose;"

Persons born before January 1st, 1947.

2. (1) Section 4 of the said Act is repealed and the following substituted therefor:

"4. (1) A person born before the first day of January, 1947, is a natural-born Canadian citizen, if

(a) he was born in Canada or on a Canadian ship and was not an alien on the first day of January, 1947;

or

(b) he was born outside of Canada elsewhere than on a Canadian ship and was not, on the first day of January, 1947, an alien and either was a minor on that date or had, before that date, been lawfully admitted to Canada for permanent residence and his father, or in the case of a person born out of wedlock, his mother

(i) was born in Canada or on a Canadian ship and was not an alien at the time of that person's birth,

(ii) was, at the time of that person's birth, a British subject who had Canadian domicile,

(iii) was, at the time of that person's birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or

(iv) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the first day of January, 1947, and was not, on that date, under order of deportation.

Conditions for retention by persons born outside Canada.

(2) A person who is a Canadian citizen under paragraph (b) of subsection one and was a minor on the first day of January, 1947, ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years or on the first day of January, 1954, whichever is the later date, unless he

(a) has his place of domicile in Canada at such date; or

(b) has, before such date and after attaining the age of twenty-one years, filed, in accordance with the regulations, a declaration of retention of Canadian citizenship."

Coming into force.

(2) This section shall be deemed to have come into force on the first day of January, 1947, but any declaration of retention of Canadian citizenship that has been filed pursuant to section 6 of chapter 15 of the statutes of 1946 by a person who was a Canadian citizen under paragraph (b) of section 4 of that Act shall have the same effect as if it had been filed under this section.

3. (1) Subparagraph (ii) of paragraph (b) of subsection (1) of section 5 of the said Act, as enacted by section 2 of chapter 29 of the statutes of 1950, is repealed and the following substituted therefor:

“(ii) the fact of his birth is registered, in accordance with the regulations, within two years after its occurrence or within such extended period as the Minister may authorize in special cases.”

(2) The said section 5 is further amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

“(1a) A person who is a Canadian citizen under paragraph (b) of subsection one ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years, unless he
(a) has his place of domicile in Canada at such date;
or
(b) has, before such date and after attaining the age of twenty-one years, filed, in accordance with the regulations, a declaration of retention of Canadian citizenship.”

Conditions
for retention
by persons
born outside
Canada.

4. Section 6 of the said Act, as enacted by section 3 of chapter 29 of the statutes of 1950, is repealed and the following substituted therefor:

“**6.** A person who has ceased to be a Canadian citizen by virtue of subsection two of section four or subsection one (a) of section five may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such other earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.”

Resumption
with approval
of Minister.

5. (1) Subsection (1) of section 9 of the said Act, as enacted by section 4 of chapter 29 of the statutes of 1950, is repealed and the following substituted therefor:

“**9.** (1) A person, other than a natural-born Canadian citizen, is a Canadian citizen, if that person
(a) was granted, or the name of that person was included in, a certificate of naturalization and was not an alien on the first day of January, 1947;
(b) was, immediately before the first day of January, 1947, a British subject who had Canadian domicile;
(c) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the first day of January, 1947, and was not, on that date, under order of deportation; or
(d) being a woman other than a woman who comes within paragraph (a), (b) or (c),

On January
1st, 1947.

- (i) before the first day of January, 1947, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen as provided in section four or a Canadian citizen as provided in paragraph (a), (b) or (c) of this subsection, and
- (ii) on the first day of January, 1947, was a British subject and had been lawfully admitted to Canada for permanent residence."

(2) Subsection (2) of the said section 9 is amended by striking out the word "and" at the end of paragraph (b) thereof and by repealing paragraph (c) and substituting the following therefor:

"(c) where he is a Canadian citizen by reason of being a British subject who had his place of domicile in Canada for at least twenty years immediately before the first day of January, 1947, on the first day of January, 1927; and

(d) in the case of a woman to whom paragraph (d) of subsection one applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date."

6. (1) Paragraphs (a), (b) and (c) of subsection (1) of section 10 of the said Act, as enacted by section 5 of chapter 29 of the statutes of 1950, are repealed and the following substituted therefor:

"(a) either he has filed in the office of the Clerk of the Court for the judicial district in which he resides or with the Registrar of Canadian Citizenship or in such other manner as the regulations may prescribe, not less than one nor more than six years prior to the date of his application, a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of eighteen years; or he is the spouse of and resides in Canada with a Canadian citizen; or he is a British subject;

(b) he has resided in Canada for a period of at least one year immediately preceding the date of his application;

(c) the applicant has

(i) acquired Canadian domicile,

(ii) served outside of Canada in the armed forces of Canada in a war in which Canada was or is engaged or in connection with any action taken by Canada under the United Nations Charter, the North Atlantic Treaty or other similar instrument for collective defence that may be entered into by Canada,

(iii) been lawfully admitted to Canada for permanent residence and is the wife of a Canadian citizen, or

(iv) had a place of domicile in Canada for at least twenty years immediately before the first day of January, 1947, and was not, on that date, under order of deportation;"

(2) Paragraph (g) of subsection (1) of the said section 10 is repealed and the following substituted therefor:

"(g) he intends to have his place of domicile permanently in Canada."

(3) Subsection (4) of the said section 10 is repealed and the following substituted therefor:

"(4) The Minister may, in his discretion, grant a certificate of citizenship to a person who was

(a) a natural-born Canadian citizen under section four or five;

(b) a British subject who was born in Canada or on a Canadian ship; or

(c) a British subject who was born elsewhere than in Canada or on a Canadian ship and whose father, or in the case of a person born out of wedlock, whose mother

(i) was born in Canada or on a Canadian ship and was not an alien at the time of that person's birth,

(ii) was, at the time of that person's birth, a British subject who had Canadian domicile,

(iii) was, at the time of that person's birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or

(iv) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the first day of January, 1947, and was not, on that date, under order of deportation,

and who ceased to be a Canadian citizen or a British subject, as the case may be, by naturalization outside of Canada or for any reason other than marriage, if such person applies for a certificate of citizenship and satisfies the Minister that he possesses the qualifications prescribed by paragraphs (b), (d), (e), (f) and (g) of subsection one."

(4) Subsection (5) of the said section 10 is repealed and the following substituted therefor:

"(5) The Minister may, in his discretion, grant a certificate of citizenship to a minor child of a person who is a Canadian citizen other than a natural-born Canadian citizen, on the application of the said person

(a) if the said person is the responsible parent of the child; and

(b) if the child has been lawfully admitted to Canada for permanent residence and, where he is fourteen or more years of age, has an adequate knowledge of either the English or the French language."

Grant to persons who lost status of Canadian citizen or British subject for reasons other than marriage.

Certificate to minor children.

7. Subsection (1) of section 11 of the said Act, as enacted by section 6 of chapter 29 of the statutes of 1950, is repealed and the following substituted therefor:

Issue to
remove
doubt.

"11. (1) Where a doubt, whether on a question of fact or of law, has arisen as to whether a person is or is not a Canadian citizen, the Minister may, in his discretion, upon application, resolve such doubt and issue a certificate of citizenship as proof that such person is a Canadian citizen and the issuing of such certificate shall not be deemed to establish that the person to whom it is issued was not previously a natural-born or other than natural-born Canadian citizen."

8. (1) Section 18 of the said Act, as enacted by section 8 of chapter 29 of the statutes of 1950, is repealed and the following substituted therefor:

Loss through
residence
outside of
Canada.

"18. (1) Subject to subsections two and three, a person who, since becoming a Canadian citizen, has resided outside of Canada for a period of ten consecutive years ceases to be a Canadian citizen upon the expiration of such period.

Exceptions.

(2) This section does not apply to

(a) a Canadian citizen who

(i) is a natural-born Canadian citizen, or

(ii) has served outside of Canada in the armed forces of Canada in a war in which Canada was or is engaged or in connection with any action taken by Canada under the United Nations Charter, the North Atlantic Treaty or other similar instrument for collective defence that may be entered into by Canada and has been honourably discharged from such armed forces;

(b) residence out of Canada for any of the following objects, namely,

(i) to serve in the public service of Canada or of a province thereof,

(ii) as a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates,

(iii) on account of ill-health or disability,

(iv) as the spouse or minor child of and for the purpose of being with a spouse or parent who is a Canadian citizen residing out of Canada for any of the objects or causes specified in subparagraphs (i), (ii) and (iii), or

(v) for the purpose of being with a spouse who is a person described in paragraph (a).

Extension.

(3) An officer authorized in the regulations to do so may, in such form and for such period as is prescribed by the

regulations, extend the Canadian citizenship of a person who would cease to be a Canadian citizen upon the expiration of the ten year period described in subsection one if such person, before the expiration of such period or an extension thereof under this subsection, satisfies the officer that

(a) his absence from Canada was of a mere temporary nature; and

(b) he intends in good faith to return to Canada for permanent residence as a Canadian citizen, and subsection one does not apply until the expiration of the period of extension so given.

(4) A person who has ceased to be a Canadian citizen under this section may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.”

Resumption
with approval
of Minister.

(2) This section shall be deemed to have come into force on the first day of January, 1947.

Coming into
force.

9. (1) Paragraph (a) of subsection (1) of section 34 of the said Act, as renumbered by section 14 of chapter 29 of the statutes of 1950, is repealed and the following substituted therefor:

“(a) the forms of and manner of registration of declarations, certificates or other documents required to be used under this Act or deemed necessary for carrying out its purposes;”

(2) Paragraph (b) of subsection (1) of the said section 34 is repealed and the following substituted therefor:

“(b) the time within which the oath of allegiance is to be taken after the grant or issue of a certificate of citizenship;”

(3) Paragraph (f) of subsection (1) of the said section 34 is repealed and the following substituted therefor:

“(f) the imposition and application of fees in respect of any registration authorized to be made by this Act or any Act heretofore in force in Canada and in respect of the making of any declaration or the grant or issue of any certificate authorized to be made, granted or issued by this Act or any Act heretofore in force in Canada, and in respect of the administration or registration of any oath;”

(4) Paragraph (i) of subsection (1) of the said section 34 is repealed and the following substituted therefor:

“(i) the manner of proof of Canadian citizenship and the issuing of certificates for such purpose;”

(5) Paragraph (b) of subsection (2) of the said section 34 is repealed and the following substituted therefor:

“(b) designate, in any part of Canada, any court or person to act as a Court for the purposes of this Act and any such court or person so designated shall be deemed to be a Court for all purposes under this Act.”

10. Section 38 of the said Act, as renumbered by section 15 of chapter 29 of the statutes of 1950, is repealed and the following substituted therefor:

Determina-
tion of
Canadian
domicile, etc.

“**38.** (1) Where any question arises under this Act as to whether

(a) any person was lawfully admitted to Canada for permanent residence; or

(b) any person has or had Canadian domicile, the Minister shall decide the question and the decision of the Minister is final and conclusive for the purposes of this Act.

Immigration
records are
prima facie
evidence.

(2) Where it appears from the immigration records maintained in the Department of Citizenship and Immigration that a person was or was not lawfully admitted to Canada for permanent residence, that fact shall, for the purposes of this Act, be accepted as prima facie evidence that such person was or was not lawfully admitted to Canada for permanent residence, as the case may be.

Other
evidence

(3) Where it does not appear from the records referred to in subsection two that a person either was or was not lawfully admitted to Canada for permanent residence, no decision shall be made under this section that such person was lawfully admitted to Canada for permanent residence unless he submits proof satisfactory to the Minister from which it may be inferred that he was lawfully admitted to Canada for permanent residence.”

11. This Part shall come into force on a day to be fixed by proclamation of the Governor in Council.

PART II.

12. (1) Section 2 of the *Canadian Citizenship Act*, chapter 33 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after paragraph (b) thereof, the following paragraph:

“Canadian
domicile”.

“(bb) ‘Canadian domicile’ means Canadian domicile as defined in the laws respecting immigration that are or were in force at the time the Canadian domicile of a person is relevant under this Act;”

(2) Paragraph (d) of the said section 2 is repealed and the following substituted therefor:

“(d) ‘certificate of citizenship’ means a certificate of citizenship granted or issued under this Act;”

“Certificate of citizenship”.

“(3) Paragraph (f) of the said section 2 is repealed and the following substituted therefor:—

“(f) ‘Clerk’ or ‘Clerk of the Court’ includes all officers exercising the functions of prothonotary, registrar or clerk of any court having jurisdiction under this Act, and, where a person is designated by the Governor in Council to act as a court for the purposes of this Act, means any such officer approved by the Minister and available to assist the said person as his clerk or, if no such officer is so approved, means the said person,”

(4) Paragraph (j) of the said section 2 is repealed.

Repeal.

(5) The said section 2 is further amended by adding thereto, immediately after paragraph (m) thereof, the following paragraph:

“(mm) ‘place of domicile’ means the place in which a person has his home or in which he resides or to which he returns as his place of permanent abode and does not mean a place in which he stays for a mere special or temporary purpose;”

“Place of domicile”.

13. (1) Section 4 of the said Act is repealed and the following substituted therefor:

“**4.** (1) A person born before the 1st day of January, 1947, is a natural-born Canadian citizen, if

Persons born before January 1st, 1947.

(a) he was born in Canada or on a Canadian ship and was not an alien on the 1st day of January, 1947; or

(b) he was born outside of Canada elsewhere than on a Canadian ship and was not, on the 1st day of January, 1947, an alien and either was a minor on that date or had, before that date, been lawfully admitted to Canada for permanent residence and his father, or in the case of a person born out of wedlock, his mother

(i) was born in Canada or on a Canadian ship and was not an alien at the time of that person’s birth,

(ii) was, at the time of that person’s birth, a British subject who had Canadian domicile,

(iii) was, at the time of that person’s birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or

(iv) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation.

(2) A person who is a Canadian citizen under paragraph (b) of subsection (1) and was a minor on the 1st day of January, 1947, ceases to be a Canadian citizen upon the

Conditions for retention by persons born outside Canada.

date of the expiration of three years after the day on which he attains the age of twenty-one years or on the 1st day of January, 1954, whichever is the later date, unless he

(a) has his place of domicile in Canada at such date; or

(b) has, before such date and after attaining the age of twenty-one years, filed, in accordance with the regulations, a declaration of retention of Canadian citizenship."

Coming
into force.

(2) This section shall be deemed to have come into force on the 1st day of January, 1947, but any declaration of retention of Canadian citizenship that has been filed pursuant to section 6 of chapter 15 of the statutes of 1946 by a person who was a Canadian citizen under paragraph (b) of section 4 of that Act shall have the same effect as if it had been filed under this section.

14. (1) Subparagraph (ii) of paragraph (b) of subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

"(ii) the fact of his birth is registered, in accordance with the regulations, within two years after its occurrence or within such extended period as the Minister may authorize in special cases."

Conditions
for retention
by persons
born outside
Canada.

(2) The said section 5 is further amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

"(1a) A person who is a Canadian citizen under paragraph (b) of subsection (1) ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years, unless he (a) has his place of domicile in Canada at such date; or (b) has, before such date and after attaining the age of twenty-one years, filed, in accordance with the regulations, a declaration of retention of Canadian citizenship."

15. Section 6 of the said Act is repealed and the following substituted therefor:

Resumption
with approval
of Minister.

"6. A person who has ceased to be a Canadian citizen by virtue of subsection (2) of section 4 or subsection (1a) of section 5 may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such other earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly."

16. (1) Subsection (1) of section 9 of the said Act is repealed and the following substituted therefor:

"9. (1) A person, other than a natural-born Canadian citizen, is a Canadian citizen, if that person On January 1st, 1947.

(a) was granted, or the name of that person was included in, a certificate of naturalization and was not an alien on the 1st day of January, 1947;

(b) was, immediately before the 1st day of January, 1947, a British subject who had Canadian domicile;

(c) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation; or

(d) being a woman other than a woman who comes within paragraph (a), (b) or (c),

(i) before the 1st day of January, 1947, was married to a man who, if this Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen as provided in section 4 or a Canadian citizen as provided in paragraph (a), (b) or (c), and

(ii) on the 1st day of January, 1947, was a British subject and had been lawfully admitted to Canada for permanent residence."

(2) Subsection (2) of the said section 9 is amended by striking out the word "and" at the end of paragraph (b) thereof and by repealing paragraph (c) and substituting the following therefor:

"(c) where he is a Canadian citizen by reason of being a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, on the 1st day of January, 1927; and

(d) in the case of a woman to whom paragraph (d) of subsection (1) applies, on the date of the marriage or on which she became a British subject or on which she was lawfully admitted to Canada for permanent residence, whichever is the latest date."

17. (1) Paragraphs (a), (b) and (c) of subsection (1) of section 10 of the said Act are repealed and the following substituted therefor:

"(a) either he has filed in the office of the Clerk of the Court for the judicial district in which he resides or with the Registrar of Canadian Citizenship or in such other manner as the regulations may prescribe, not less than one nor more than six years prior to the date of his application, a declaration of intention to become a Canadian citizen, the said declaration having been filed by him after he attained the age of eighteen years; or he is the spouse of and resides in Canada with a Canadian citizen; or he is a British subject;

(b) he has resided in Canada for a period of at least one year immediately preceding the date of his application;

(c) the applicant has

(i) acquired Canadian domicile,

(ii) served outside of Canada in the armed forces of Canada in a war in which Canada was or is engaged or in connection with any action taken by Canada under the United Nations Charter, the North Atlantic Treaty or other similar instrument for collective defence that may be entered into by Canada,

(iii) been lawfully admitted to Canada for permanent residence and is the wife of a Canadian citizen, or

(iv) had a place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation;”

(2) Paragraph (g) of subsection (1) of the said section 10 is repealed and the following substituted therefor:

“(g) he intends to have his place of domicile permanently in Canada;”

(3) Subsection (4) of the said section 10 is repealed and the following substituted therefor:

“(4) The Minister may, in his discretion, grant a certificate of citizenship to a person who was

(a) a natural-born Canadian citizen under section 4 or 5;

(b) a British subject who was born in Canada or on a Canadian ship; or

(c) a British subject who was born elsewhere than in Canada or on a Canadian ship and whose father, or in the case of a person born out of wedlock, whose mother

(i) was born in Canada or on a Canadian ship and was not an alien at the time of that person's birth,

(ii) was, at the time of that person's birth, a British subject who had Canadian domicile,

(iii) was, at the time of that person's birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or

(iv) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation,

and who ceased to be a Canadian citizen or a British subject, as the case may be, by naturalization outside of Canada or for any reason other than marriage, if such person applies for a certificate of citizenship and satisfies the Minister that

Grant to persons who lost status of Canadian citizen or British subject for reasons other than marriage.

he possesses the qualifications prescribed by paragraphs (b), (d), (e), (f) and (g) of subsection (1).”

(4) Subsection (5) of the said section 10 is repealed and the following substituted therefor:

“(5) The Minister may, in his discretion, grant a certificate of citizenship to a minor child of a person who is a Canadian citizen other than a natural-born Canadian citizen, on the application of the said person

Certificate to minor children.

(a) if the said person is the responsible parent of the child; and

(b) if the child has been lawfully admitted to Canada for permanent residence and, where he is fourteen or more years of age, has an adequate knowledge of either the English or the French language.”

18. Subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

“**11.** (1) Where a doubt, whether on a question of fact or of law, has arisen as to whether a person is or is not a Canadian citizen, the Minister may, in his discretion, upon application, resolve such doubt and issue a certificate of citizenship as proof that such person is a Canadian citizen and the issuing of such certificate shall not be deemed to establish that the person to whom it is issued was not previously a natural-born or other than natural-born Canadian citizen.”

Issue to remove doubt.

19. (1) Section 18 of the said Act is repealed and the following substituted therefor:

“**18.** (1) Subject to subsections (2) and (3), a person who, since becoming a Canadian citizen, has resided outside of Canada for a period of ten consecutive years ceases to be a Canadian citizen upon the expiration of such period.

Loss through residence outside of Canada.

(2) This section does not apply to

Exceptions.

(a) a Canadian citizen who

(i) is a natural-born Canadian citizen, or

(ii) has served outside of Canada in the armed forces of Canada in a war in which Canada was or is engaged or in connection with any action taken by Canada under the United Nations Charter, the North Atlantic Treaty or other similar instrument for collective defence that may be entered into by Canada and has been honourably discharged from such armed forces;

(b) residence out of Canada for any of the following objects, namely,

(i) to serve in the public service of Canada or of a province thereof,

- (ii) as a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or of an international agency of an official character in which Canada participates,
- (iii) on account of ill-health or disability,
- (iv) as the spouse or minor child of and for the purpose of being with a spouse or parent who is a Canadian citizen residing out of Canada for any of the objects or causes specified in subparagraphs (i), (ii) or (iii), or
- (v) for the purpose of being with a spouse who is a person described in paragraph (a).

Extension.

(3) An officer authorized in the regulations to do so may, in such form and for such period as is prescribed by the regulations, extend the Canadian citizenship of a person who would cease to be a Canadian citizen upon the expiration of the ten-year period described in subsection (1) if such person, before the expiration of such period or an extension thereof under this subsection, satisfies the officer that

(a) his absence from Canada was of a mere temporary nature; and

(b) he intends in good faith to return to Canada for permanent residence as a Canadian citizen, and subsection (1) does not apply until the expiration of the period of extension so given.

Resumption
with
approval of
Minister.

(4) A person who has ceased to be a Canadian citizen under this section may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly."

Coming
into force.

(2) This section shall be deemed to have come into force on the 1st day of January, 1947.

20. (1) Paragraph (a) of subsection (1) of section 34 of the said Act is repealed and the following substituted therefor:

"(a) the forms of and manner of registration of declarations, certificates or other documents required to be used under this Act or deemed necessary for carrying out its purposes;"

(2) Paragraph (b) of subsection (1) of the said section 34 is repealed and the following substituted therefor:

"(b) the time within which the oath of allegiance is to be taken after the grant or issue of a certificate of citizenship;"

(3) Paragraph (*f*) of subsection (1) of the said section 34 is repealed and the following substituted therefor:

“(f) the imposition and application of fees in respect of any registration authorized to be made by this Act or any Act heretofore in force in Canada and in respect of the making of any declaration or the grant or issue of any certificate authorized to be made, granted or issued by this Act or any Act heretofore in force in Canada, and in respect of the administration or registration of any oath;”

(4) Paragraph (*i*) of subsection (1) of the said section 34 is repealed and the following substituted therefor:

“(i) the manner of proof of Canadian citizenship and the issuing of certificates for such purpose;”

(5) Paragraph (*b*) of subsection (2) of the said section 34 is repealed and the following substituted therefor:

“(b) designate, in any part of Canada, any court or person to act as a Court for the purposes of this Act and any such court or person so designated shall be deemed to be a Court for all purposes under this Act.”

21. Section 38 of the said Act is repealed and the following substituted therefor:

“**38.** (1) Where any question arises under this Act as to whether

(a) any person was lawfully admitted to Canada for permanent residence; or

(b) any person has or had Canadian domicile, the Minister shall decide the question and the decision of the Minister is final and conclusive for the purposes of this Act.

(2) Where it appears from the immigration records maintained in the Department of Citizenship and Immigration that a person was or was not lawfully admitted to Canada for permanent residence, that fact shall, for the purposes of this Act, be accepted as prima facie evidence that such person was or was not lawfully admitted to Canada for permanent residence, as the case may be.

(3) Where it does not appear from the records referred to in subsection (2) that a person either was or was not lawfully admitted to Canada for permanent residence, no decision shall be made under this section that such person was lawfully admitted to Canada for permanent residence unless he submits proof satisfactory to the Minister from which it may be inferred that he was lawfully admitted to Canada for permanent residence.”

Determination of Canadian domicile, etc.

Immigration records are prima facie evidence.

Other evidence.

PART III.

Coming
into force.

22. (1) If Part I is in force immediately before the day on which the Revised Statutes of Canada, 1952, come into force, then Part II shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Idem.

(2) If Part I is not in force immediately before the day on which the Revised Statutes of Canada, 1952, come into force, then Part I is repealed on the day the Revised Statutes of Canada, 1952, come into force, and Part II shall come into force on a day to be fixed by proclamation of the Governor in Council.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 24.

An Act respecting the Canadian Forces.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Canadian Forces Act*, Short title. 1953.

PART I.

THE NATIONAL DEFENCE ACT.

2. (1) *The National Defence Act*, chapter 43 of the statutes of 1950, is amended by adding thereto, immediately after section 119 thereof, the following section:

"119A. (1) An act or omission that takes place out of Canada and would, under the law applicable in the place where the act or omission occurred, be an offence if committed by a person subject to that law, is an offence under this Part, and every person who is found guilty thereof is liable to suffer punishment as provided in subsection two. Offences out of Canada

(2) Subject to subsection three, where a service tribunal finds a person guilty of an offence under subsection one, the service tribunal shall impose the punishment in the scale of punishments that it considers appropriate, having regard to the punishment prescribed by the law applicable in the place where the act or omission occurred and the punishment prescribed for the same or a similar offence in this Act, the *Criminal Code* or any other Act of the Parliament of Canada. Punishment.

(3) All provisions of the Code of Service Discipline in respect of a punishment of death, imprisonment for two years or more, imprisonment for less than two years, and a fine, apply in respect of punishments imposed under subsection two. Ordinary rules apply.

Saving
provision.

(4) Nothing in this section is in derogation of the authority conferred by other sections of the Code of Service Discipline to charge, deal with and try a person alleged to have committed any offence set out in sections sixty-four to one hundred and nineteen and to impose the punishment for that offence mentioned in the section prescribing that offence."

(2) The said Act is further amended by adding thereto, immediately after section 183 thereof, the following section and heading:

"TRANSFER OF OFFENDERS.

Transfer of
offenders.

"183A. (1) A person who has been found guilty of an offence by a civil court in Canada, or by a civil or military tribunal of any country other than Canada, and sentenced to a term of incarceration may, with the approval of the chief of staff of the service with which he was serving at the time of the conviction or some officer designated by him, be transferred to the custody of the appropriate civil or military authorities of Canada for incarceration under this Act, and any person so transferred may, in lieu of the incarceration to which he was sentenced, be imprisoned or detained for the term or the remainder of the term of incarceration to which he was sentenced as though he had been sentenced for that term by a service tribunal, and the provisions of this Part are applicable in respect of every person so transferred as though he had been so sentenced.

Restriction.

(2) A person who has been found guilty of an offence by a civil court in Canada shall not be transferred under subsection one

(a) without the consent of the Attorney General of the province in which he is incarcerated if he was sentenced by the civil court for a term of less than two years, or

(b) without the consent of the Attorney General of Canada if he was sentenced by the civil court for a term of two years or more."

Punishment
where finding
set aside.

(3) Subsection (3) of section 191 of the said Act is repealed and the following substituted therefor:

"(3) Where the Court Martial Appeal Board has set aside a finding of guilty but another finding of guilty remains, the Board shall forthwith refer the proceedings to the Minister, or to such other authority as he may prescribe or appoint for that purpose, who shall

(a) affirm the punishment imposed by the court martial if the court martial could legally have imposed that punishment upon the finding of guilty that remains; or

(b) subject to section one hundred and seventy-five, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate.

(4) Where an appellant has been found guilty of an offence and the court martial could on the charge have found him guilty under section one hundred and twenty of some other offence, or could have found him guilty of some other offence on any alternative charge that was laid, and on the actual finding it appears to the Court Martial Appeal Board that the facts proved him guilty of that other offence, the Board may, instead of allowing or dismissing the appeal, substitute for the finding of guilty made by the court martial a finding of guilty of that other offence, and the Board shall forthwith refer the proceedings to the Minister, or to such other authority as he may prescribe or appoint for that purpose, who shall

Substitution
of finding.

- (a) affirm the punishment imposed by the court martial if the court martial could legally have imposed that punishment upon the substituted finding of guilty; or
- (b) subject to section one hundred and seventy-five, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate.

(5) Where, pursuant to subsection three or four, a new punishment is substituted, the punishment imposed by the court martial thereupon ceases to have effect and section one hundred and seventy-six applies to the new punishment or punishments."

New
punishments.

(4) The said Act is further amended by adding thereto, immediately after section 194 thereof, the following section:

"194A. Where it appears to the Judge Advocate General that no substantial grounds of appeal have been shown, or that the appellant has abandoned his appeal, the Judge Advocate General may refer the appeal to the Court Martial Appeal Board for summary determination, and where an appeal is referred to the Board under this section, the Board may, if it considers

Summary
disposition
of certain
appeals.

- (a) that the appeal has been abandoned, or

- (b) that no substantial grounds of appeal have been shown and the appeal can be determined without being adjourned for a full hearing,

dismiss the appeal summarily without calling on any person to appear."

(5) Subsection (1) of section 195 of the said Act is amended by striking out the word "and" at the end of paragraph (g) thereof, inserting the word "and" at the end of paragraph (h) thereof and adding thereto the following paragraph:

- "(i) the circumstances in which an appeal may be considered to be abandoned for want of prosecution, and the summary disposition by the Board of such appeals, and of appeals showing no substantial grounds."

THE DEFENCE SERVICES PENSION ACT.

3. (1) Subparagraph (iii) of paragraph (i) of subsection (1) of section 42 of *The Defence Services Pension Act*, chapter 133 of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

“(iii) time served on active service, prior to a date or dates fixed by the Governor in Council, during time of war in any of the naval, army or air forces of His Majesty, other than those raised in Canada, by any person who, having served on active service in any of the forces of His Majesty during the war that commenced on the tenth day of September, nineteen hundred and thirty-nine, is appointed to or enlisted in the forces,”

(2) Section 46A of the said Act is amended by adding thereto the following subsection:

“(3) For the purposes of this section, the expression “contributor who has served in the forces for ten years or more” includes a contributor who

(a) has been a member of one or more of the regular, auxiliary or reserve military services of Canada for twenty years or more, and

(b) of the twenty years or more mentioned in paragraph (a), has served for a continuous period of ten years or more immediately preceding his death or retirement

(i) on active service in the military services of Canada during the Second World War, and

(ii) subsequent to the service described in subparagraph (i), in the forces as defined in this Act.”

(3) Subsection (2) shall be deemed to have come into force on the 7th day of June, 1951.

THE CANADIAN FORCES VOTING REGULATIONS.

4. (1) Subparagraph (2) of paragraph 23 of *The Canadian Forces Voting Regulations* in Schedule Three to *The Canada Elections Act*, chapter 46 of the statutes of 1938, is repealed and the following substituted therefor:

“(2) Before the dissolution of the twenty-first Parliament or before the expiration of two months from the day on which the *Canadian Forces Act*, 1953, was assented to, whichever is the earlier, every member of the regular forces who was such a member on the twenty-first day of June, 1952, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 15, in which he or she shall show as his or her place of ordinary residence

Certain contributors included.

Coming into force.

Ordinary residence of members of regular forces.

(a) the city, town, village, or other place in Canada, with street address, if any, in which is situated the residence of a person who is the spouse, dependant, relative or next of kin of such member; or

(b) the city, town, village, or other place in Canada, with street address, if any, where such member is residing as a result of the services performed by him or her in such forces; or

(c) the city, town, village, or other place in Canada, with street address, if any, in which was situated his or her place of ordinary residence prior to enrolment;

but where the member is serving outside Canada or in a ship and none of the foregoing clauses (a), (b) or (c) is applicable to him or her, the place of ordinary residence to be shown shall be the city, town, village, or other place in Canada, with street address, if any, where he or she resided as a result of the services performed by him or her in such forces immediately prior to being appointed, posted, or drafted for service outside of Canada or in a ship, as the case may be."

(2) Subsection (1) shall be deemed to have come into force on the 21st day of September, 1952. Coming into force.

(3) Paragraph 27 of the said Regulations is repealed and the following substituted therefor:

"27. Within two weeks after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 23, of Canadian Forces electors attached to his unit; the commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit; at any reasonable time during an election, such list and the statements referred to in paragraph 23 shall be open to inspection by any officially nominated candidate or his accredited representative, and such persons shall be permitted to make extracts therefrom."

(4) Subparagraph (1) of paragraph 34 of the said Regulations is repealed and the following substituted therefor:

"34. (1) Before delivering a ballot paper to a Canadian Forces elector, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Canadian Forces elector's name, rank, and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-

Declaration
by Canadian
Forces
elector.

one years (except in the case referred to in subparagraph two of paragraph twenty-one), that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as shown on the statement made by him under paragraph twenty-three, or, if no such statement appears to have been made, he shall subscribe to a statement in Form No. 16, and the place of ordinary residence to be declared in Form No. 7 shall be the place of ordinary residence shown in the said Form No. 16; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7; the deputy returning officer shall cause the Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer."

(5) Paragraph 34 of the said Regulations is amended by adding thereto the following subparagraph:

Filing of
statements.

"(6) The original of each Form No. 16 completed pursuant to this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents."

(6) Form No. 16 to the said Regulations is amended by striking out the heading

"FORM NO. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT (Par. 23 (3a) and (6))

(Applicable to regular force members on enrolment subsequent to effective date of this paragraph and to persons on enrolment in the active service forces)"

and substituting therefor the heading

"FORM NO. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT (Par. 23 (3) (a) and (6) and par. 34 (1))

(Applicable to regular force members on enrolment subsequent to June 21, 1952, to persons on enrolment in the active service forces and to persons required to complete this Form pursuant to paragraph 34 (1))"

PART II.

NATIONAL DEFENCE ACT.

5. (1) The *National Defence Act*, chapter 184 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after section 119 thereof, the following section:

“119A. (1) An act or omission that takes place out of Canada and would, under the law applicable in the place where the act or omission occurred, be an offence if committed by a person subject to that law, is an offence under this Part, and every person who is found guilty thereof is liable to suffer punishment as provided in subsection (2). Offences out of Canada.

(2) Subject to subsection (3), where a service tribunal finds a person guilty of an offence under subsection (1), the service tribunal shall impose the punishment in the scale of punishments that it considers appropriate, having regard to the punishment prescribed by the law applicable in the place where the act or omission occurred and the punishment prescribed for the same or a similar offence in this Act, the *Criminal Code* or any other Act of the Parliament of Canada. Punishment

(3) All provisions of the Code of Service Discipline in respect of a punishment of death, imprisonment for two years or more, imprisonment for less than two years, and a fine, apply in respect of punishments imposed under subsection (2). Ordinary rules apply

(4) Nothing in this section is in derogation of the authority conferred by other sections of the Code of Service Discipline to charge, deal with and try a person alleged to have committed any offence set out in sections 64 to 119 and to impose the punishment for that offence mentioned in the section prescribing that offence.” Saving provision.

(2) The said Act is further amended by adding thereto, immediately after section 183 thereof, the following section and heading:

“TRANSFER OF OFFENDERS.

“183A. (1) A person who has been found guilty of an offence by a civil court in Canada, or by a civil or military tribunal of any country other than Canada, and sentenced to a term of incarceration may, with the approval of the chief of staff of the service with which he was serving at the time of the conviction or some officer designated by him, be transferred to the custody of the appropriate civil or military authorities of Canada for incarceration under this Act, and any person so transferred may, in lieu of the incarceration to which he was sentenced, be imprisoned Transfer of offenders.

or detained for the term or the remainder of the term of incarceration to which he was sentenced as though he had been sentenced for that term by a service tribunal, and the provisions of this Part are applicable in respect of every person so transferred as though he had been so sentenced.

Restriction

(2) A person who has been found guilty of an offence by a civil court in Canada shall not be transferred under subsection (1)

(a) without the consent of the Attorney General of the province in which he is incarcerated if he was sentenced by the civil court for a term of less than two years, or

(b) without the consent of the Attorney General of Canada if he was sentenced by the civil court for a term of two years or more."

Punishment where finding set aside.

(3) Subsection (3) of section 191 of the said Act is repealed and the following substituted therefor:

"(3) Where the Court Martial Appeal Board has set aside a finding of guilty but another finding of guilty remains, the Board shall forthwith refer the proceedings to the Minister, or to such other authority as he may prescribe or appoint for that purpose, who shall

(a) affirm the punishment imposed by the court martial if the court martial could legally have imposed that punishment upon the finding of guilty that remains; or

(b) subject to section 175, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate.

Substitution of finding.

(4) Where an appellant has been found guilty of an offence and the court martial could on the charge have found him guilty under section 120 of some other offence, or could have found him guilty of some other offence on any alternative charge that was laid, and on the actual finding it appears to the Court Martial Appeal Board that the facts proved him guilty of that other offence, the Board may, instead of allowing or dismissing the appeal, substitute for the finding of guilty made by the court martial a finding of guilty of that other offence, and the Board shall forthwith refer the proceedings to the Minister, or to such other authority as he may prescribe or appoint for that purpose, who shall

(a) affirm the punishment imposed by the court martial if the court martial could legally have imposed that punishment upon the substituted finding of guilty; or

(b) subject to section 175, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate.

New punishments.

(5) Where, pursuant to subsection (3) or (4), a new punishment is substituted, the punishment imposed by the court martial thereupon ceases to have effect and section 176 applies to the new punishment or punishments."

(4) The said Act is further amended by adding thereto, immediately after section 194 thereof, the following section:

"194A. Where it appears to the Judge Advocate General that no substantial grounds of appeal have been shown, or that the appellant has abandoned his appeal, the Judge Advocate General may refer the appeal to the Court Martial Appeal Board for summary determination, and where an appeal is referred to the Board under this section, the Board may, if it considers

Summary
disposition
of certain
appeals.

(a) that the appeal has been abandoned, or

(b) that no substantial grounds of appeal have been shown and the appeal can be determined without being adjourned for a full hearing,

dismiss the appeal summarily without calling on any person to appear."

(5) Subsection (1) of section 195 of the said Act is amended by striking out the word "and" at the end of paragraph (g) thereof, inserting the word "and" at the end of paragraph (h) thereof and adding thereto the following paragraph:

"(i) the circumstances in which an appeal may be considered to be abandoned for want of prosecution, and the summary disposition by the Board of such appeals, and of appeals showing no substantial grounds."

DEFENCE SERVICES PENSION ACT.

6. (1) Subparagraph (iii) of paragraph (i) of subsection (1) of section 45 of the *Defence Services Pension Act*, chapter 63 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

"(iii) time served on active service, prior to a date or dates fixed by the Governor in Council, during time of war in any of the naval, army or air forces of His Majesty, other than those raised in Canada, by any person who, having served on active service in any of the forces of His Majesty during the war that commenced on the 10th day of September, 1939, is appointed to or enlisted in the forces,"

(2) Section 50 of the said Act is amended by adding thereto the following subsection:

"(3) For the purposes of this section, the expression "contributor who has served in the forces for ten years or more" includes a contributor who

Certain
contributors
included.

(a) has been a member of one or more of the regular, auxiliary or reserve military services of Canada for twenty years or more, and

(b) of the twenty years or more mentioned in paragraph (a), has served for a continuous period of ten years or more immediately preceding his death or retirement

- (i) on active service in the military services of Canada during the Second World War, and
- (ii) subsequent to the service described in subparagraph (i), in the forces as defined in this Act."

CANADIAN FORCES VOTING REGULATIONS.

7. (1) Subparagraph (2) of paragraph 22 of the *Canadian Forces Voting Regulations* in Schedule Three to the *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Ordinary residence of members of regular forces.

"(2) Before the dissolution of the 21st Parliament or before the expiration of two months from the day on which the *Canadian Forces Act, 1953*, was assented to, whichever is the earlier, every member of the regular forces who was such a member on the 21st day of June, 1952, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 15, in which he or she shall show as his or her place of ordinary residence

(a) the city, town, village, or other place in Canada, with street address, if any, in which is situated the residence of a person who is the spouse, dependant, relative or next of kin of such member; or

(b) the city, town, village, or other place in Canada, with street address, if any, where such member is residing as a result of the services performed by him or her in such forces; or

(c) the city, town, village, or other place in Canada, with street address, if any, in which was situated his or her place of ordinary residence prior to enrolment; but where the member is serving outside Canada or in a ship and none of the foregoing clauses (a), (b) or (c) is applicable to him or her, the place of ordinary residence to be shown shall be the city, town, village, or other place in Canada, with street address, if any, where he or she resided as a result of the services performed by him or her in such forces immediately prior to being appointed, posted, or drafted for service outside of Canada or in a ship, as the case may be."

(2) Paragraph 26 of the said Regulations is repealed and the following substituted therefor:

"26. Within two weeks after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 22, of Canadian Forces electors attached to his unit; the commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian

Forces electors attached to his unit; at any reasonable time during an election, such list and the statements referred to in paragraph 22 shall be open to inspection by any officially nominated candidate or his accredited representative, and such persons shall be permitted to make extracts therefrom."

(3) Subparagraph (1) of paragraph 33 of the said Regulations is repealed and the following substituted therefor:

"**33.** (1) Before delivering a ballot paper to a Canadian Forces elector, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Canadian Forces elector's name, rank, and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph (2) of paragraph 20), that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as shown on the statement made by him under paragraph 22, or, if no such statement appears to have been made, he shall subscribe to a statement in Form No. 16, and the place of ordinary residence to be declared in Form No. 7 shall be the place of ordinary residence shown in the said Form No. 16; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7; the deputy returning officer shall cause the Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer."

Declaration
by Canadian
Forces
elector.

(4) Paragraph 33 of the said Regulations is amended by adding thereto the following subparagraph:

"(6) The original of each Form No. 16 completed pursuant to this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents."

Filing of
statements.

(5) Form No. 16 to the said Regulations is amended by striking out the heading

"FORM NO. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT.

(Par. 22 (3) (a) and (6))

(Applicable to regular force members on enrolment subsequent to the 30th day of June, 1948, and to persons on enrolment in the active service forces)"

and substituting therefor the heading

“FORM No. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT.

(Par. 22 (3) (a) and (6) and par. 33 (1))

(Applicable to regular force members on enrolment subsequent to June 21, 1952, to persons on enrolment in the active service forces and to persons required to complete this Form pursuant to paragraph 33(1))”

Coming into
force.

S. This Part shall come into force, and Part I (except subsection (3) of section 3 and subsection (2) of section 4) is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 25.

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System during the calendar year 1953, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as *Canadian National Railways Financing and Guarantee Act, 1953*. Short title.

2. In this Act

(a) "National Company" means the Canadian National Railway Company; Definitions.
"National Company".

(b) "National System" means the National System as defined in *The Canadian National Railways Capital Revision Act, 1952*; "National System".

(c) "securities" means the notes, equipment trust certificates, bonds, debentures and other securities described in subsection (1) of section 4. "Securities".

3. (1) The National System is authorized,

(a) to make capital expenditures in the calendar year 1953 in the following amounts and for the following purposes: Capital expenditures authorized.

Additions and Betterments (excluding new equipment)—

Obligations incurred prior to 1953 that become due and payable in 1953..... \$35,561,634

Obligations incurred in 1953 that become due and payable in 1953..... 12,323,366

 \$ 47,885,000

| | | |
|---------------------------|--------------|--------------|
| Branch Line Construction— | | |
| Sherridon-Lynn Lake..... | \$ 2,758,513 | |
| Terrace-Kitimat..... | 6,580,000 | |
| | <hr/> | \$ 9,338,513 |

| | | |
|---|------------|------------|
| New Equipment— | | |
| Obligations incurred prior to 1953 that become due and payable in 1953..... | 79,291,685 | |
| Obligations incurred in 1953 that become due and payable in 1953..... | 9,959,000 | |
| | <hr/> | 89,250,685 |

| | | |
|--------------------------------|----------------|--|
| Acquisition of Securities..... | 293,000 | |
| | <hr/> | |
| Total..... | \$146,767,198; | |

- Additional working capital.
- Capital expenditures in 1954.
- Contracts for new equipment prior to July 1, 1954.
- Power to borrow money.
- Statement of amounts borrowed
- Estimate of amounts required.
- (b) to acquire additional working capital in the calendar year 1953 in an amount not exceeding fifteen million dollars;
- (c) to make capital expenditures not exceeding in the aggregate eighty million dollars in the calendar year 1954 prior to the first day of July of that year in discharge of obligations incurred for new equipment and for general additions and betterments prior to that year that have become due and payable before that day; and
- (d) with the approval of the Governor in Council, to enter into contracts prior to the first day of July, 1954, for the acquisition of new equipment and for general additions and betterments that will come in course of payment after the calendar year 1953, in amounts not exceeding in the aggregate \$74,705,625.
- (2) The National Company, with the approval of the Governor in Council, is authorized
- (a) at any time prior to the first day of July, 1954, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required for the purposes of paragraphs (a), (b) and (c) of subsection (1), and
- (b) by the issue and sale of securities, to borrow money to repay loans made under section 6.
- (3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the Company.
- (4) An estimate of the amounts required for the purposes of paragraph (c) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1954.

(5) Any amount payable under a contract entered into pursuant to paragraph (d) of subsection (1) shall be included in the annual budget of the National System for the year in which it will become due and payable.

Amount payable included in budget.

(6) No amount shall be spent for a purpose mentioned in this section in excess of the amount authorized by this section in respect of that purpose and for the purposes of this subsection any expenditure made under paragraph (c) of subsection (1) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1952*, shall be deemed to be an expenditure under paragraph (a) of subsection (1) of this section.

Limitation.

4. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National Company may issue notes, equipment trust certificates, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required for the purposes of section 3.

Issue of securities.

(2) Amounts available from reserves for depreciation and debt discount amortization shall be applied towards meeting the expenditures authorized by section 3.

Application of amounts available.

(3) The aggregate principal amount of securities issued under this section outstanding at any one time shall not exceed \$221,867,198 less the amount that the National Company receives in respect of the whole calendar year 1953 from the sale to the Minister of Finance of preferred stock of the National Company, and for the purposes of this subsection any securities issued under paragraph (b) of subsection (2) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1952*, shall be deemed to have been issued under this section.

Maximum amount of securities.

5. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities and may approve or decide the form, manner and conditions of such guarantees.

Guarantee.

(2) A guarantee under this Act may be signed on behalf of Her Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the relative provisions of the Act have been complied with.

Signature of guarantee.

6. (1) The Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the National Company out of the Con-

Minister may make loans to National Company.

solidated Revenue Fund of amounts required for the purposes of section 3 at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act.

Maximum
aggregate
principal
amount of
loans.

(2) The aggregate principal amount of loans made pursuant to subsection (1) shall not exceed \$221,867,198 less the amount that the National Company receives in respect of the whole calendar year 1953 from the sale to the Minister of Finance of preferred stock of the National Company.

Securities
for repay-
ment.

(3) Securities issued to secure a loan made by the Minister of Finance under this section are deemed not to be included in the amount specified in subsection (3) of section 4 if securities have been issued and sold to repay that loan.

Power to
aid other
companies.

7. The National Company may aid and assist, in any manner not inconsistent with the terms of section 3, any others of the companies and railways comprised in the National System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways

(a) apply the proceeds of any issue of securities towards meeting expenditures authorized by section 3 on its own account or on account of any others of the said companies and railways, and

(b) make advances of amounts required for meeting expenditures authorized by section 3 to any others of the said companies and railways upon or without any security, at discretion.

Proceeds
paid to
credit of
Minister of
Finance
in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon application to the Minister of Finance by the National Company approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such application.

Minister
may place
amounts at
disposal of
Company.

9. (1) Where, at any time before the first day of July, 1954, the available revenues of the National System are not sufficient to pay all the operating and income charges of the National System as and when

due, the Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges.

(2) All amounts placed at the disposal of the National Company pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of the National System in so far as such revenues are sufficient and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Amounts
reimbursed
to Minister
from annual
revenues.

10. (1) Where, at any time before the first day of July, 1954, the available revenues of Trans-Canada Air Lines and its subsidiaries are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance, upon application by Trans-Canada Air Lines approved by the Minister of Trade and Commerce, may, with the approval of the Governor in Council, place at the disposal of Trans-Canada Air Lines such amounts as may be required to enable Trans-Canada Air Lines and its subsidiaries to meet all such charges.

Trans-
Canada
Air Lines.

(2) All amounts placed at the disposal of Trans-Canada Air Lines pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of Trans-Canada Air Lines and its subsidiaries in so far as such revenues are sufficient and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Amounts
reimbursed
from annual
revenues.

11. Where the Minister of Finance

(a) is entitled to receive a demand note of the National Company, or

Alternative
to Demand
Notes.

(b) holds a demand note of the National Company, to secure a loan made by him to the National Company, under any other Act and he is of opinion that the rate of interest payable in respect of the loan is a rate applicable to a loan for a term of years, he may request the National Company to issue, instead of or in exchange for the demand note a different form of security bearing interest at the rate applicable to the loan and subject to such other terms and conditions as the Governor in Council prescribes, and the National Company is authorized to issue such security instead of or in exchange for the demand note.

1 - 2 ELIZABETH II.

CHAP. 26.

An Act to amend The Canadian Wheat Board Act, 1935.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Subsections (1) to (5) of section 3 of *The Canadian Wheat Board Act, 1935*, chapter 53 of the statutes of 1935, are repealed and the following substituted therefor:

“3. (1) There shall be a Board to be known as The Canadian Wheat Board which shall consist of not less than three nor more than five commissioners appointed by the Governor in Council. Constitution of Board.

(2) One of the commissioners shall be appointed Chief Commissioner and another Assistant Chief Commissioner, and at sessions of the Board the Chief Commissioner, and in his absence the Assistant Chief Commissioner, shall preside. Chief Commissioner and Assistant.

(3) Each commissioner holds office during good behaviour but may be removed for cause at any time by the Governor in Council, but no commissioner shall hold office beyond the age of seventy years. Tenure of office.

(4) The salaries of the commissioners shall be fixed by the Governor in Council. Salaries

(5) Two commissioners constitute a quorum.” Quorum

2. Section 19A of the said Act is repealed and the following substituted therefor:

“19A. The provisions of this Part shall be deemed to be repealed on and after the first day of August, nineteen hundred and fifty-seven.” Duration

3. Paragraph (bb) of section 20 of the said Act is repealed and the following substituted therefor:

“(bb) each crop year subsequent to the thirty-first day of July, nineteen hundred and fifty, and prior to the first day of August nineteen hundred and fifty-seven; and”

4. Subsection (2b) of section 22 of the said Act is repealed and the following substituted therefor:

Expenses in relation to international wheat marketing organizations.

“(2b) Expenses incurred by the Board with respect to any international organization for the purposes of marketing wheat, and the expenses of any commissioner or officer of the Board of and incidental to his attendance at meetings of such an international organization or any committees thereof shall be deemed to be expenses incurred in connection with the operations of the Board within the meaning of this section, but nothing in this subsection shall be construed to authorize the payment by the Board of any contributions required to be paid by Canada to or in support of such an international organization or any committee thereof.”

5. The said Act is further amended by adding thereto, immediately after section 24A thereof, the following section:

Transfer of undistributed balances.

“24B. (1) Where producers of any grain sold and delivered during a pool period have been for six years or more entitled to receive from the Board payments in respect thereof under certificates issued pursuant to this Act or out of an equalization fund, or otherwise, and there is an undistributed balance remaining in the accounts of the Board in respect of that grain, the Governor in Council may authorize the Board

(a) to adjust its accounts

(i) by applying such undistributed balance in payment of the expenses of distribution of the balance mentioned in subsection two of section twenty-two with respect to the same kind of grain in any earlier pool period, and

(ii) by transferring the remainder of the undistributed balance to a separate account; and

(b) to pay to the persons who are entitled to receive payments in respect of that grain the amount to which they are entitled out of the undistributed balance remaining in the accounts of the Board in respect of the same kind of grain for the earliest pool period for which there is an undistributed balance.

How transferred balances to be used.

(2) Any balance transferred to the separate account pursuant to subparagraph (ii) of paragraph (a) of subsection one shall be used for such purposes as the Governor in Council, upon the recommendation of the Board, may deem to be for the benefit of producers.”

6. Section 29 of the said Act is repealed and the following substituted therefor:

"29. The provisions of this Part shall be deemed to be repealed on and after the first day of August, nineteen hundred and fifty-seven." Duration.

PART II.

7. Subsections (1) to (5) of section 3 of the *Canadian Wheat Board Act*, chapter 44 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

"3. (1) There shall be a Board to be known as The Canadian Wheat Board which shall consist of not less than three nor more than five commissioners appointed by the Governor in Council. Constitution of Board.

(2) One of the commissioners shall be appointed Chief Commissioner and another Assistant Chief Commissioner, and at sessions of the Board the Chief Commissioner, and in his absence the Assistant Chief Commissioner, shall preside. Chief Commissioner and Assistant.

(3) Each commissioner holds office during good behaviour but may be removed for cause at any time by the Governor in Council, but no commissioner shall hold office beyond the age of seventy years. Tenure of office.

(4) The salaries of the commissioners shall be fixed by the Governor in Council. Salaries.

(5) Two commissioners constitute a quorum." Quorum.

8. Section 23 of the said Act is repealed and the following substituted therefor:

"23. The provisions of this Part shall be deemed to be repealed on and after the first day of August, 1957." Duration.

9. Paragraph (a) of section 24 of the said Act is repealed and the following substituted therefor:

"(a) each crop year subsequent to the 31st day of July, 1950, and prior to the first day of August, 1957; and"

10. Subsection (4) of section 26 of the said Act is repealed and the following substituted therefor:

"(4) Expenses incurred by the Board with respect to any international organization for the purposes of marketing wheat, and the expenses of any commissioner or officer of the Board of and incidental to his attendance at meetings of such an international organization or any committees thereof shall be deemed to be expenses incurred in connection with the operations of the Board within the meaning of this section, but nothing in this subsection shall be construed to authorize the payment by the Board of any contributions required to be paid by Canada to or in support of such an international organization or any committee thereof." Expenses in relation to international wheat marketing organizations.

11. The said Act is further amended by adding thereto, immediately after section 29 thereof, the following section:

Transfer of
undistributed
balances.

"29A. (1) Where producers of any grain sold and delivered during a pool period have been for six years or more entitled to receive from the Board payments in respect thereof under certificates issued pursuant to this Act or out of an equalization fund, or otherwise, and there is an undistributed balance remaining in the accounts of the Board in respect of that grain, the Governor in Council may authorize the Board

(a) to adjust its accounts

(i) by applying such undistributed balance in payment of the expenses of distribution of the balance mentioned in subsection (2) of section 25 with respect to the same kind of grain in any earlier pool period, and

(ii) by transferring the remainder of the undistributed balance to a separate account; and

(b) to pay to the persons who are entitled to receive payments in respect of that grain the amount to which they are entitled out of the undistributed balance remaining in the accounts of the Board in respect of the same kind of grain for the earliest pool period for which there is an undistributed balance.

How
transferred
balances to
be used.

(2) Any balance transferred to the separate account pursuant to subparagraph (ii) of paragraph (a) of subsection (1) shall be used for such purposes as the Governor in Council, upon the recommendation of the Board, may deem to be for the benefit of producers."

12. Section 34 of the said Act is repealed and the following substituted therefor:

Duration

"34. The provisions of this Part shall be deemed to be repealed on and after the 1st day of August, 1957."

Coming into
force.

13. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Repeal.

1 - 2 ELIZABETH II.

CHAP. 27.

An Act to provide Assistance for the Higher Education of Children of certain Deceased Members of the Armed Forces and of other Persons.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Children of War Dead* Short title.
(*Education Assistance*) Act.

INTERPRETATION.

2. In this Act

- (a) "educational institution" means a university, college or other school of higher education in Canada, approved by the Minister for the education or instruction of students pursuant to this Act; Definitions.
"Educational institution".
- (b) "Minister" means the Minister of Veterans Affairs; "Minister"
- and
- (c) "student" means "Student"
- (i) a child on whose behalf a pension is being paid pursuant to any of the enactments set out in Schedule A of this Act in respect of a person who served in the naval, army or air forces of Canada in the war that commenced in August, 1914, or in the war that commenced in September, 1939;
- (ii) a child on whose behalf a pension is being paid, pursuant to or by virtue of any of the enactments set out in Schedule B of this Act at a rate set out for a child in Schedule B of the *Pension Act*; or
- (iii) a child on whose behalf payment of a pension was being made under any of the enactments set out in Schedule A or B of this Act but was, either before or after the coming into force of this Act, discontinued by reason of the child having reached the age of twenty-one years.

EDUCATION ASSISTANCE.

Minister
may make
allowances
and pay
costs.

3. The Minister may in accordance with this Act and the regulations

(a) make allowances to or in respect of students to enable them to continue, within an educational institution, their education or instruction beyond matriculation, secondary school graduation, or equivalent education; and

(b) pay in whole or in part the cost of such education or instruction.

Amount of
allowances.

4. (1) The amount of the allowances that may be paid to or in respect of a student shall be a monthly allowance of twenty-five dollars during the period in which the student pursues a full-time course of study in an educational institution, but the total period for which an allowance may be paid to or in respect of a student under this Act shall not exceed four academic years or thirty-six months, whichever is the lesser.

Costs.

(2) The costs of education or instruction that may be paid in respect of a student under this Act shall include such tuition and other fees and costs as may be prescribed by regulation.

Age limit.

5. No allowance or costs shall be paid under this Act in respect of a student who has attained the age of twenty-five years except in so far as may be necessary to enable him to complete the academic year in which he attains that age.

Time limit.

6. (1) No allowance or costs shall be paid under this Act in respect of a student who completed his matriculation, secondary school graduation or equivalent education before the coming into force of this Act, unless he resumes or commences a course of education or instruction in an educational institution within fifteen months after the coming into force of this Act.

Idem.

(2) No allowance or costs shall be paid in respect of a student under this Act who completes his matriculation, secondary school graduation or equivalent education after the coming into force of this Act, unless he commences a course of education or instruction in an educational institution within fifteen months after such completion.

Extension
of time.

(3) The Minister may extend the periods prescribed by this section where he is satisfied that because of ill health or any other good cause the student was unable to resume or commence a course of education or instruction in an educational institution within the time limited by this section.

7. No allowance or costs shall be paid in respect of a student who, having failed in one or more classes or subjects in any academic year, fails in more than one of the supplementary examinations next offered by the educational institution in any such classes or subjects.

Discontinu-
ance for
failure to
pass
examinations.

8. The Minister may, in accordance with the regulations, pay to the educational institution in which any student receiving assistance under this Act is taking his course of education or instruction any of the costs of the course that are payable to the educational institution.

Costs may
be paid to
educational
institution.

9. All allowances and costs payable under this Act shall be paid out of moneys appropriated by Parliament for the purpose.

Payments
to be made
out of
appropri-
ations.

REGULATIONS.

10. The Governor in Council may make regulations
- (a) prescribing the manner of payment of the allowances and costs under this Act to or in respect of students and the manner of computing the amount of allowances and costs payable in respect of any period;
 - (b) prescribing the conditions in addition to those specified in this Act under which the payment of allowances or costs may be terminated; and
 - (c) generally for carrying out the purposes and provisions of this Act.

Regulations.

COMING INTO FORCE.

11. This Act shall come into force on the 1st day of July, 1953.

Coming
into force.

SCHEDULE A.

Paragraph (b) of subsection (1) of section 11 of the *Pension Act*, R.S.C. 1927, ch. 157.

Paragraph (b) of subsection (1) of section 13 of the *Pension Act*, R.S.C. 1952, ch. 207.

SCHEDULE B.

The Civilian War Pensions and Allowances Act, 1946, ch. 43.

Civilian War Pensions and Allowances Act, R.S.C. 1952, ch. 51.

Section 45, 46 or 46A of the *Pension Act*, R.S.C. 1927, ch. 157.

Section 50, 51 or 52 of the *Pension Act*, R.S.C. 1952, ch. 207.

The Special Operators War Service Benefits Act, 1946, ch. 64.

Special Operators War Service Benefits Act, R.S.C. 1952, ch. 256.

The Supervisors War Service Benefits Act, 1946, ch. 66.

Supervisors War Service Benefits Act, R.S.C. 1952, ch. 258.

The Women's Royal Naval Services and the South African Military Nursing Service (Benefits) Act, 1946, ch. 34.

Women's Royal Naval Services and the South African Military Nursing Service (Benefits) Act, R.S.C. 1952, ch. 297.

Section 5 of *The Veterans Benefit Act*, 1951.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 28.

An Act respecting Co-operative Credit Associations.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Co-operative Credit Associations Act*. Short title.

INTERPRETATION.

2. In this Act

- | | Definitions. |
|---|--------------------------------|
| (a) "association" means a co-operative credit society incorporated by Special Act; | "Association". |
| (b) "co-operative credit society" means a co-operative organization the objects of which include the making of loans to, and the receiving of deposits from, its members; | "Co-operative credit society". |
| (c) "Department" means the Department of Insurance; | "Department". |
| (d) "Minister" means the Minister of Finance; | "Minister". |
| (e) "Special Act" means an Act of the Parliament of Canada incorporating a co-operative credit society; and | "Special Act". |
| (f) "Superintendent" means the Superintendent of Insurance. | "Superintendent". |

APPLICATION.

3. Unless otherwise expressly provided in the Special Act, the provisions of this Act apply to every co-operative credit society incorporated by Special Act. Application of Act.

PART I.

INCORPORATION AND ORGANIZATION.

- Membership. 4. (1) Membership in an association shall be confined to
 (a) co-operative credit societies incorporated by Special Act;
 (b) any co-operative credit society declared by Parliament to be eligible to become a member of an association;
 (c) not more than ten co-operative corporations (not being co-operative credit societies) carrying on business in two or more provinces; and
 (d) not more than fifteen natural persons.
- Restriction. (2) No association shall be a member of any of its incorporated members.

Special Act.

- Matters to be declared in Special Act. 5. The capital stock of every association, the amount thereof that shall be subscribed and paid before the association may commence business, its name, the place where its head office is to be situated, and the name, place of residence and calling of each of the provisional directors shall be declared in the Special Act incorporating the association.

Objects and Powers.

- Association is corporation. 6. Every association is a body corporate capable of exercising all the functions of an incorporated company, and having all the powers, privileges and immunities set forth in this Act.
- Restrictions. 7. Every association is subject to all the limitations, liabilities and provisions set forth in this Part and in Parts II and III.
- Objects and powers. 8. (1) The objects and powers of an association are:
 (a) to receive money on deposit from its members upon such terms as to interest and time of repayment as may be agreed upon;
 (b) to lend money to its members upon such terms as to interest, security, and time of repayment as may be agreed upon;
 (c) to borrow or raise money from its members or from an association of which it is a member or from chartered banks in Canada upon such terms as to interest, security and time of repayment as may be agreed upon;
 (d) to deposit money in chartered banks in Canada or with an association of which it is a member; and

(e) to invest in bonds, debentures or other securities of or guaranteed by the Government of Canada, the government of any province of Canada or any municipal corporation in Canada, or in bonds, debentures or other securities of any school corporation in Canada, or, to the extent of not more than ten per cent of the aggregate of the paid-up capital of the association and the total amount of money on deposit with the association, with the approval of at least two-thirds of the full board of directors, in any other negotiable securities.

(2) An association, for the purpose of exercising the powers conferred by subsection (1), and as ancillary and incidental thereto, has the following powers: Ancillary and incidental powers.

(a) to charge, hypothecate, mortgage or pledge its real or personal property to secure any liability for the repayment of money borrowed;

(b) to take securities of such nature covering real or personal property of any kind as may be deemed expedient for the purpose of securing the repayment of any money lent by or owing to the association;

(c) to sell, pledge or mortgage any real or personal property or other security held by the association and to make and execute all requisite conveyances, assignments, transfers and assurances in respect thereof;

(d) subject to subsection (2) of section 4, to become a member of any co-operative credit society incorporated by or under any Act of the Parliament of Canada;

(e) to acquire and hold any real or personal property necessary for its actual use and occupation and the management of its business and to acquire, for the protection of its loans and investments, any real or personal property mortgaged or hypothecated to the association, and to sell, mortgage, lease or otherwise dispose of such property;

(f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments;

(g) to pay out of the funds of the association all or any of the expenses of or incidental to the formation and organization thereof; and

(h) to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the association.

9. Notwithstanding anything in section 8,

(a) no association has the power to make a loan upon the security of a mortgage on real property owned by the borrower,

Restrictions.

- (b) no association shall make a loan to or undertake any guarantee on behalf of any co-operative credit society unless the society holds a valid and subsisting certificate issued under section 19 or 80, and
- (c) no association shall make a loan to, or accept a deposit from, any natural person.

Purchase or
sale of
business.

10. (1) An association has the power, with the permission of the Minister, to make an agreement

- (a) to purchase and take over all or any portion of the business and property (being business that the association is authorized to transact and property that the association is authorized to hold) of any co-operative credit society that has the power so to dispose of its business and property, and

- (b) to sell or transfer all or any portion of its business and property to any organization that is authorized to transact such business and hold such property,

and to enter into all agreements and undertakings necessary thereunto, but no agreement made under this section is effective until it is approved by the Treasury Board.

Approval of
Treasury
Board.

(2) When any agreement has been entered into under this section, the directors of the association may apply to the Treasury Board to approve the agreement, and the Board, after hearing the directors and other persons whom it considers entitled to be heard upon the application or giving them an opportunity to be heard, may approve the agreement if the Board is satisfied that no sufficient objection to the agreement has been established.

Directors.

Number of
directors.

11. (1) The affairs of an association shall be managed by a board of not less than five and not more than twelve directors as the association may determine by by-law.

Quorum.

(2) A majority of the directors constitutes a quorum.

Eligibility.

(3) All directors shall be Canadian citizens resident in Canada.

Tenure.

(4) No director shall be appointed or elected for a term of more than three years, but a retiring director is eligible for re-appointment or re-election.

Provisional Directors.

Provisional
directors.

12. (1) The persons named as such in the Special Act are the first or provisional directors of the association, and hold office until replaced by directors duly appointed or elected in their stead.

(2) The number of provisional directors shall not be less than five, a majority of whom shall be a quorum. Number.

(3) The provisional directors may open stock books, procure subscriptions for stock, make calls in respect of stock not fully paid up and do generally whatever may be necessary to organize the association. Powers.

Organization Meeting.

13. (1) When the provisions of the Special Act relating to subscription and payment for stock have been complied with, the provisional directors may call a meeting of the subscribers to be held at the head office of the association at the time and place set forth in the notice. Notice of organization meeting of subscribers.

(2) A subscriber, other than a natural person, may be represented at the meeting by a person appointed by resolution of the board of directors of that subscriber. Representative of subscriber.

(3) Each subscriber and each provisional director is entitled to one vote. Votes.

(4) The subscribers and the provisional directors shall at the meeting Organization meeting.

(a) determine the day upon which the annual general meeting of the association is to be held;

(b) elect or appoint such number of directors not less than five or more than twelve as they think necessary to hold office until the annual general meeting next following their election or appointment;

(c) provide for the method of filling vacancies in the board of directors until the annual general meeting;

(d) adopt such by-laws as are necessary to enable the association to commence business; and

(e) appoint an auditor and fix his remuneration.

(5) Upon the election or appointment of directors in accordance with this section the functions of the provisional directors cease. Directors replace provisional directors.

Officers.

14. (1) The directors, as soon as practicable after their election or appointment, shall from among themselves elect by ballot a president, who shall be chairman of the board of directors, and one or more than one vice-president. Election of president, etc.

(2) If the number of directors is more than six, the association may by by-law provide for the election from among the directors of an executive committee of not fewer than three members. Executive committee.

(3) The executive committee may fix its quorum at not less than a majority of its members and may, subject to any restriction in its constating by-law or in regulations Quorum and authority of executive committee.

made by the directors and, subject to subsection (4), exercise such of the powers of the directors as are delegated to it by that by-law.

Certain powers not to be delegated (4) The executive committee may not exercise any of the powers conferred on the directors by sections 24, 27, 28, 50 and 51.

Presiding officer at board meetings. 15. (1) The president or a vice-president shall preside at meetings of the board, but if none of such officers is present at any meeting of the board, a chairman elected by the directors present shall preside at the meeting.

Presiding officer at general meetings. (2) The president, or in his absence a vice-president, shall preside at all general meetings of the association, but if none of such officers is present at any such meeting, a chairman elected by the members and duly authorized delegates present at the meeting shall preside.

Vote of presiding officer. (3) The person presiding may vote as a director at meetings of the board and as a member or delegate, as the case may be, at meetings of the association, and in case of an equality of votes at any meeting he has a casting vote.

Vacancy in office of president or vice-president. 16. (1) If a vacancy occurs in the office of president or vice-president, the directors shall from among themselves elect a president or vice-president, as the case may be, to continue in office until the next election or appointment of directors.

Failure to elect directors as required. (2) If at any time an election or appointment of directors is not made or does not take effect at the proper time, the association is not thereby dissolved, but such election or appointment may take place at any general meeting of the association duly called for that purpose, and the retiring directors continue in office until their successors are elected or appointed.

Branch offices and local boards. 17. The directors may establish branch offices and local advisory boards at such times and in such manner as they deem expedient.

General powers of directors. 18. The directors may in all things administer the affairs of the association and may make or cause to be made for the association any description of contract which the association may by law enter into.

Certificate.

Treasury Board certificate. 19. (1) An association shall not accept money on deposit or lend money or otherwise carry on business by exercising any of the powers set forth in section 8 until the Treasury Board has granted it a certificate authorizing

it to do so, and no such certificate shall be granted until the Treasury Board has been satisfied by affidavit or otherwise that

- (a) the board of directors has been duly elected or appointed;
- (b) the provisions of the Special Act relating to subscription and payment for stock have been complied with;
- (c) all requirements of this Act antecedent to the granting of a certificate have been complied with; and
- (d) the expenses of incorporation and organization are reasonable.

(2) The particulars of all liabilities of the association shall be disclosed to the Treasury Board at the time the association makes application for a certificate. Particulars.

(3) If a certificate under this section has not been granted within two years after the passing of the Act of incorporation of the association, or within such extended period not exceeding one year as the Governor in Council before the expiration of such two years allows, the said Act thereupon ceases to be in force, except for the purpose of winding-up the affairs of the association and returning to subscribers the amounts paid by them upon the stock subscribed or so much thereof as they may be entitled to. Incorporating Act to expire if certificate not granted

(4) Notice of the granting of a certificate by the Treasury Board authorizing an association to commence business shall be published by the association in the *Canada Gazette* and in at least one newspaper in the city or place where the head office of the association is situate, and such publication shall be continued for a period of four weeks. Notice of grant of certificate to be published.

(5) Any certificate granted by the Treasury Board may contain, or may be amended to include, any limitations or conditions that the Treasury Board may deem necessary or advisable. Limitations in certificate.

Delegates.

20. An association may by by-law provide that the membership rights of an incorporated member of the association shall be vested in one or more delegates to be elected or appointed by the member in such manner as may be provided for in the by-laws, and the delegates so elected or appointed may exercise all or any of such rights. Membership rights may be vested in delegates.

Meetings.

21. (1) An association shall hold at least one general meeting in each calendar year. At least one meeting a year.

- Voting rights. (2) At meetings of the association each delegate is entitled to the same number of votes as any other delegate irrespective of the number of members or shares represented by him.
- No proxy votes. (3) No delegate and no member shall vote by proxy at any meeting of the association.
- Meetings to be in Canada. (4) All general meetings of an association shall be held in Canada.

By-Laws.

- When by-laws may be enacted, etc. 22. (1) Subject to this section, an association may at any annual general meeting, or any special general meeting called for the purpose, enact all necessary by-laws not contrary to law or to the provisions of this Act or the Special Act as may be deemed necessary or advisable, and such by-laws may be added to, amended or repealed and others substituted therefor at any annual general meeting of the association or at any special general meeting of the association called for the purpose.
- Manner. (2) Any enactment, amendment, repeal or substitution may be made
- (a) with the approval of two-thirds of the delegates and members who are entitled to and do vote, or
 - (b) if written notice of the proposed enactment, amendment, repeal or substitution is forwarded to each member with the notice of the meeting at which such enactment, amendment, repeal or substitution is to be considered, with the approval of a majority of delegates and members who are entitled to and do vote.
- Particular by-laws. (3) Without limiting the generality of the power conferred by subsection (1) the association may enact by-laws to provide
- (a) for the method of appointing or electing delegates by members, the qualifications of such delegates and determining the number of such delegates for each member or group of members;
 - (b) for the division into regions or districts of the territory in which the association carries on business;
 - (c) for meetings of delegates to be held by regions or districts for purposes specified in the by-laws and for the election or appointment of directors from regions or districts or groups of regions or districts by the delegates;
 - (d) for methods of appointing directors or of making nominations and holding elections for directors, the procedure for counting ballots and any other matter or thing relating to the conduct of elections of directors;
 - (e) for the qualifications and tenure of office of directors;

- (f) for the remuneration and payment of the expenses of delegates and directors in connection with the business of the association and the meetings of the association and of the directors;
- (g) for the removal and dismissal of directors at meetings of the association;
- (h) for the filling of vacancies occurring on the board of directors;
- (i) for the time and place for the holding of meetings of the association and of the board of directors, the calling of such meetings, the quorum at such meetings, and the procedure in all things at such meetings;
- (j) for the allotment of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares, forfeiture of shares for non-payment and the disposal of forfeited shares and the proceeds thereof;
- (k) for the appointment, functions, duties and removal of all officials and servants of the association, and their remuneration, and the security, if any, to be given by them to the association;
- (l) for the appointment of a credit committee with such duties, powers and functions and governed by such procedure as the by-laws may prescribe;
- (m) for the appointment of other committees by the board of directors with such powers, functions and duties and governed by such procedure as the by-laws may prescribe;
- (n) for the payment of interest on paid-up share capital at a rate not exceeding five per cent per annum; and
- (o) for the conduct in all other particulars of the affairs of the association.

23. Every by-law binds the association and the members thereof to the same extent as if each member had given approval under seal and as if there were in the by-law a covenant on the part of each member, and the successor and assigns of the member, to conform thereto, subject to the provisions of this Act and the Special Act.

*Effect of
by-law.*

24. (1) The directors may make by-laws not contrary to law or to this Act or the Special Act or to any by-laws duly passed or confirmed at a general meeting of the association.

*Power of
directors
to make
by-laws*

(2) Subject to subsection (3), a by-law made under subsection (1) ceases to be in force at the date of the next following annual general meeting unless it is confirmed at that meeting.

*Confirma-
tion of
by-law.*

Idem.

(3) Where a special general meeting, called for the purpose of confirming a by-law made under subsection (1) or called for that and any other purpose, is held before the next following annual general meeting, the by-law ceases to be in force at the date of the special general meeting unless it is confirmed at that special general meeting, and subsection (2) does not apply to a by-law that is so confirmed.

Copy of
by-law to be
filed with
Superin-
tendent.

25. No by-law is effective until a certified copy thereof is filed with the Superintendent.

Capital Stock.

Transfer
of stock.

26. (1) The shares in the capital stock of an association are transferable in such manner and subject to such conditions and restrictions as are prescribed by this Act or the Special Act or by the by-laws of the association.

Authoriza-
tion.

(2) No transfer, sale, assignment or charge on the capital stock of an association is valid unless and until authorized by the board of directors, subject to such conditions as may be set forth in the by-laws.

Redemption
of stock.

(3) An association may redeem any or all shares of its capital stock held by a member upon payment of an amount to be agreed upon by the association and the member, not exceeding the actual value of such shares or the amount paid thereon, whichever is the lesser, and subject to such conditions as may be set forth in the by-laws.

Redemption
on dissolu-
tion.

(4) An association, whenever any member is about to be wound-up, dissolved or have its charter surrendered, has the right at its option to redeem the shares held by such member at the actual value thereof or the amount paid thereon, whichever is the lesser.

Limit on
redemptions.

(5) Not more than ten per cent of the issued shares of an association may be redeemed pursuant to this section in any financial year and no such redemption shall be made when the association is insolvent or so as to reduce the number of members to less than five or to reduce the amount of capital below the amount prescribed in the Special Act as necessary to commence business.

Calls.

Calls.

27. (1) The directors of an association may, as they deem necessary but not contrary to any by-law, call in and demand from the members thereof, all sums of money subscribed by them at such times and places and in such instalments as the directors may determine.

(2) Interest shall accrue and fall due, at the rate of six ^{Interest.} per cent per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

28. If, after the giving of such demand or notice as the by-laws of an association prescribe, any call made upon any share or shares is not paid within the time prescribed by by-law, the directors, in their discretion, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily declare forfeited any shares whereon such call is not paid, and such shares thereupon become the property of the association, and may be disposed of as is prescribed by by-law. ^{Forfeiture of shares for non-payment of calls.}

Books.

29. (1) An association shall cause a book or books to ^{Books.} be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded

- (a) the names, alphabetically arranged, of all persons who are or have been members;
- (b) the address of every such person, while a member;
- (c) the number of shares held by each member;
- (d) the amounts paid in, and the amounts remaining unpaid, on the shares of each member;
- (e) all transfers of shares in their order as presented to the association for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and
- (f) the names, addresses and callings of all persons who are directors of the association, and the names of all persons who have been directors, with the several dates at which each became or ceased to be a director.

(2) Such books shall, during reasonable business hours of every business day of the association, be kept open for the inspection of members and creditors of the association, and their representatives, at the head office or chief place of business of the association, and every member, creditor or representative may make extracts therefrom. ^{Books to be open for inspection.}

(3) An association shall, within fifteen days after any member becomes registered on its books, submit to the Superintendent ^{Notice of membership registrations.}

- (a) a notice of the registration giving the date thereof, and the name and principal place of business or address of the member, the number of shares subscribed for and the amount paid thereon, and

- (b) if the member is a co-operative credit society,
 - (i) a statement, certified by an auditor selected from the list of auditors required to be furnished to

- the Minister under the *Bank Act*, showing in detail the assets and liabilities of the member as at the date of the registration, and
- (ii) a copy of the constitution and by-laws of the member.

Liability of Members.

Liability to
creditors.

30. (1) Every member is, until the whole amount of the shares in the capital stock of the association subscribed for by the member has been paid, individually liable to the creditors of the association to an amount equal to the amount subscribed but not paid thereon; but a member is not liable to an action therefor by any creditor until an execution against the association at the suit of the creditor has been returned unsatisfied in whole or in part.

Amount
recoverable.

(2) The amount due on such execution, not exceeding the amount unpaid on the member's shares, is the amount recoverable with costs from such member.

Liability
restricted to
amount
unpaid on
shares.

(3) A member of an association is not, as such, responsible for any act, default or liability of the association, or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the association, beyond the amount unpaid on the member's shares in the capital stock of the association.

Meetings and Voting.

No vote if
calls in
arrears.

31. No member who is in arrears in respect of any call shall vote at any meeting of the association.

Notice of
meetings

32. In the absence of other provisions in that behalf in the Special Act or the by-laws of an association, notice of the time and place for holding general meetings of the association shall be given at least ten days previously thereto, in some newspaper published at the place in which the chief place of business of the association is situate, or if there is no newspaper there published, then in a newspaper published at the place nearest thereto.

Special
general
meeting.

33. Members who together hold not less than one-fourth part in value of the subscribed shares of an association may, at any time, by written requisition call a special general meeting of the association for the transaction of any business specified in such requisition, and in the notice calling such meeting.

Procedure.

34. An association may enforce payment of all calls on shares and interest thereon, by action in any court of competent jurisdiction. Action to enforce calls.

35. (1) Service of any process or notice upon an association may be made by leaving a copy thereof at the chief place of business of the association, with any adult person in charge thereof, or elsewhere with the president or secretary of the association. Service of process on association.

(2) If an association has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper. Service by publication.

(3) Publication in accordance with this section shall be deemed to be due service upon the association. Idem.

36. Any description of action may be prosecuted and maintained between an association and any member thereof. Actions between association and members.

37. An association is subject to the provisions of any general Act for the winding-up of joint stock companies. Association subject to winding-up laws.

Evidence.

38. A copy of any by-law of an association, under its seal and purporting to be signed by any officer of the association, shall be received as *prima facie* evidence of such by-law in all courts in Canada. Copy of by-laws prima facie evidence.

39. All books required by this Part to be kept by the secretary or by any other officer of the association charged with that duty are, in any suit or proceeding against the association or against any member, *prima facie* evidence of all facts purporting to be therein stated. Evidence of books.

40. In any action by an association to enforce payment of any call or interest thereon, a certificate under the seal of the association and purporting to be signed by any officer of the association to the effect that the defendant is a member, that the call has been made, and setting forth the amount that is due and unpaid thereon, shall be received as *prima facie* evidence in all courts in Canada. Evidence respecting calls.

Offences and Penalties.

41. Any director who authorizes payment of, or any manager or any other officer or servant of an association who pays or causes to be paid, any money for or on account Payment of organization expenses.

of the incorporation or organization expenses of the association after the certificate permitting the association to commence business has been granted by the Treasury Board, except and unless the liability so paid has been disclosed to the Treasury Board at the time of the application for such certificate, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Failure to
produce
books.

42. Every director, officer and servant of an association, who, on the application of any member or creditor of the association or of the representatives of any such member or creditor or of any judgment creditor of a member, refuses or neglects to produce any of the books mentioned in section 29 within his power or control, or who refuses or neglects to allow any of such books to be inspected and extracts to be taken therefrom, during reasonable business hours of any business day of the association, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

PART II.

LIMITATIONS, RESTRICTIONS, AUDIT AND SUPERVISION.

Interpretation.

Definitions.

43. In this Part

"Government securities".

(a) "government securities" means bonds, debentures or other securities of or guaranteed by the Government of Canada or the government of any province of Canada;

"Municipal securities".

(b) "municipal securities" means bonds, debentures or other securities of or guaranteed by any municipal corporation in Canada; and

"School securities".

(c) "school securities" means bonds, debentures or other securities of any school corporation in Canada.

Loans and Investments.

Limit on
loans and
investments.

44. An association shall not make any loan and shall not invest any funds

(a) if the aggregate of its cash on hand and on deposit in chartered banks in Canada is less than five per cent of the total amount of money on deposit with the association, or

(b) if the making of such loan or investment would reduce the aggregate mentioned in paragraph (a) to less than five per cent of the total amount of money on deposit with the association.

45. An association shall not make any loan and shall not invest any funds otherwise than in government securities, municipal securities, or school securities Idem.

(a) if the aggregate of

(i) its cash on hand and on deposit in chartered banks in Canada, and

(ii) the market value of its government securities, municipal securities, and school securities, excluding any such securities as are pledged by the association as security for money borrowed by the association or for any other obligation of the association,

is less than twenty per cent of the total amount of money on deposit with the association, or

(b) if the making of such loan or investment would reduce the aggregate mentioned in paragraph (a) to an amount less than twenty per cent of the total amount of money on deposit with the association.

46. An association shall not lend any money to, nor invest in the securities of, any member if Limits on loans to any member.

(a) the aggregate of

(i) the total amount of loans made by the association to the member, less the market value of government securities, municipal securities and school securities, if any, pledged as security for any such loans, and

(ii) the total amount invested by the association in the securities of the member

exceeds ten per cent of the aggregate of the paid-up capital of the association and the total amount of money on deposit with the association, or

(b) the making thereof would increase the first mentioned aggregate to more than ten per cent of the second mentioned aggregate.

47. The aggregate of

(a) the total amount borrowed by an association and outstanding, Limit on liabilities.

(b) the total amount of money on deposit with the association, and

(c) all moneys of which the repayment of the principal or payment of interest is guaranteed by the association, shall not at any time exceed ten times the aggregate of

(d) its paid-up capital,

(e) the amount of its guarantee fund, and

(f) the amount of its surplus.

48. An association shall not invest any of its funds in bonds, debentures or other securities on which payment of principal or interest is in default. Prohibited investment.

Trading
prohibited.

49. Except as authorized by this Act or the Special Act, an association shall not either directly or indirectly deal in the buying or selling or bartering of goods, wares or merchandise or engage or be engaged in any trade or business.

Distribution of Earnings.

Distribution
of earnings.

50. (1) The net earnings arising from the business of an association in each year shall be distributed as follows:

- (a) an amount equal to at least twenty per cent of the net earnings shall be set aside as a guarantee fund to be held as a reserve against contingencies, losses and uncollectable loans; but where at the close of any year the amount of the guarantee fund equals at least ten per cent of the aggregate of the paid-up capital of the association and the total amount of money on deposit with the association, the directors may, subject to the approval of two-thirds of the delegates and members present and voting at the annual general meeting, direct that no moneys be set aside for the guarantee fund for the then current year;
- (b) interest may be paid on the paid-up capital at such rate as may be authorized by by-law;
- (c) such further portion of the remaining net earnings as the directors may determine may be distributed as a dividend among the members of the association in such manner as may be provided in the by-laws; and
- (d) the interest and dividends due to a member may at the discretion of the directors be placed to the credit of such member on share capital account until the unpaid balance of all shares held by such member is fully paid up.

Other
reserves.

(2) The directors may establish such other reserve funds in addition to the guarantee fund as they may deem necessary or advisable.

Net earnings.

(3) For the purposes of this section, the net earnings shall be ascertained from the annual statement deposited in the Department as required by this Act and such other information as may be necessary.

Annual Statement.

Annual
statement.

51. (1) The president or a vice-president or the managing director or other director appointed for the purpose by by-law or by the board of directors and the secretary, or manager or, in the event of their absence or inability to act, another officer appointed for the purpose by resolution of the board of directors, of every association, shall

prepare annually, under oath, a statement of the condition and affairs of the association on the 31st day of December in each year, showing the assets and liabilities of the association and its income and expenditures during the year then ended together with such other information as the Minister may from time to time deem necessary.

(2) The annual statement shall be in such form as the Form. Minister may from time to time determine and shall be deposited in the Department within two months after the 1st day of January in each year, but such schedules to the said statement as the Minister may from time to time designate may be deposited not later than three months after that day.

(3) In the annual statement the bonds, debentures and Valuations. other securities owned by the association shall be taken into account at values not in excess of the market values of such securities at the date of the statement, or, in the discretion of the Superintendent, at a date not more than sixty days before the date of the statement.

(4) In the annual statement any loan made by the Loans in default. association that is in default as to principal or interest shall be shown at a value not exceeding the outstanding amount of the loan less a proportion, as specified in subsection (5), of the difference between the outstanding amount of the loan and the aggregate of

(a) the amount of money on deposit with the association to the credit of the borrower, and

(b) the market value of any government securities, municipal securities and school securities pledged as security for the loan.

(5) The proportion referred to in subsection (4) is as Proportion defined. follows:

(a) where the loan is in default as to principal or interest for a period of three months but less than six months, ten per cent;

(b) where the loan is in default as to principal or interest for a period of six months but less than twelve months, twenty-five per cent;

(c) where the loan is in default as to principal or interest for a period of twelve months but less than eighteen months, fifty per cent;

(d) where the loan is in default as to principal or interest for a period of eighteen months but less than twenty-four months, seventy-five per cent; and

(e) where the loan is in default as to principal or interest for a period of twenty-four months or more, one hundred per cent.

Statement of
assets and
liabilities.

52. (1) At every annual general meeting of an association the directors shall submit a full and clear statement of the condition and affairs of the association.

Copy to be
submitted to
Superin-
tendent.

(2) A copy of the statement shall be submitted to the Superintendent not later than the day of the annual general meeting and if, in the opinion of the Superintendent, the statement does not show truly and accurately the condition and affairs of the association the Superintendent may require the statement to be amended.

To whom
sent.

(3) A copy of the statement, or of the statement so amended, as the case may be, shall be sent to each director, to each member and to the Superintendent.

Auditor.

Appointment
of auditor.

53. (1) An association shall at each annual general meeting appoint an auditor to hold office until the next annual general meeting; the auditor shall be selected from the list of auditors required to be furnished to the Minister under the *Bank Act*.

No director,
officer, etc.,
to be appoint-
ed auditor.

(2) A director, officer, servant or agent of the association or of a member of the association or of any corporation, organization or association affiliated with a member of the association shall not be appointed auditor of the association.

Remunera-
tion.

(3) The remuneration of the auditor of an association shall be fixed by the members at each annual general meeting, except that the remuneration of any auditor appointed to fill any casual vacancy may be fixed by the directors.

Term of
appointment.

(4) A person shall not be appointed auditor, and members of the same firm shall not be appointed auditors, for more than two years in succession.

Appointment
by Minister.

(5) If the appointment of an auditor is not made at any annual general meeting the Minister may on application of any member appoint an auditor of the association for the current year and fix the remuneration to be paid to him by the association for his services.

Auditor to
have access
to books.

54. (1) Every auditor of the association has a right of access at all times to the books and accounts and vouchers of the association, and is entitled to require from the directors and officers of the association such information and explanations as may be necessary for the performance of the duties of an auditor.

Report to
members.

(2) The auditor shall make a report to the members on the statement submitted by the directors to the association at the annual general meeting.

Report to
Superin-
tendent.

(3) The auditor shall make a report to the Superintendent with respect to the accuracy of the statement required by section 51 to be deposited in the Department,

and shall also report to him upon the adequacy of the procedure adopted by the association to safeguard the interests of its creditors and members and as to the sufficiency of his own procedure in auditing the affairs of the association.

(4) The auditor shall disclose to the Superintendent any matters or circumstances that have come to his knowledge or attention during the course of the audit that would in his opinion assist the Superintendent in the administration of this Act; and the Superintendent may enlarge or extend the scope of the audit and direct that any other or particular examination be made or procedure established. Idem.

Superintendent.

55. (1) The Superintendent may visit personally, or cause a duly qualified member of his staff to visit, the head office of any association, whenever he deems it necessary as the result of an examination of the statements filed by the association or of the auditor's report, or as the result of information coming to his attention from any other source, and examine the condition and affairs of the association, and report thereon to the Minister as to all matters requiring the Minister's attention and decision. Inspection by Superintendent.

(2) The officers of such association shall cause the books of the association to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power. Books to be made available.

(3) For the purpose of such inquiry, the Superintendent may examine under oath the officers, clerks or servants of the association. Examination under oath.

(4) The Superintendent may if he deems it necessary nominate an auditor from the list referred to in section 53 to make a special audit, and the auditor so nominated may audit the books, accounts and securities of the association and shall report thereon to the Superintendent. Nomination of auditor.

(5) The expenses of a special audit made under subsection (4) shall be borne by the association, and the auditor's account therefor when approved in writing by the Superintendent is payable by the association forthwith. Expenses of special audit.

56. The Superintendent shall prepare for the Minister an annual report giving particulars of the condition and affairs of each association. Report to Minister.

57. (1) The Superintendent may address any inquiries to the association, or to the president, manager or secretary thereof, for the purpose of ascertaining its condition and Inquiries.

ability to meet its obligations, and it is the duty of the association or person so addressed promptly to reply in writing to any such inquiries.

May be included in report.

(2) The Superintendent may, in his discretion, embody in his annual report to the Minister the inquiries made by him under this section and the answers thereto.

Valuation of real estate.

58. If upon an examination of the assets of any association it appears to the Superintendent, or if he has any reason to suppose, that the value placed by the association upon the real estate owned by it or any parcel thereof is too great, he may either require the association to procure an appraisement of such real estate by one or more competent valuers, or may himself procure such appraisement at the association's expense, and the appraised value, if it is materially less than that shown in the return made by the association, may be substituted in the annual report prepared for the Minister by the Superintendent.

Allowable assets.

59. (1) In the annual report prepared for the Minister, the Superintendent shall allow as assets only such loans and investments as are authorized by this Act, or as were authorized by law at the time they were made or acquired, as the case may be.

Correction of statement.

(2) In the report the Superintendent shall make all necessary corrections in the annual statements deposited in the Department as provided in section 51 and may increase or diminish the liabilities in such statements to the true and correct amounts as ascertained by him.

Appeal to Exchequer Court from Superintendent's decision.

60. (1) An appeal lies in a summary manner from the ruling of the Superintendent as to the admissibility of any asset not allowed by him, or as to any item or amount added to the liabilities, or as to any correction or alteration made in any statement, or as to any other matter arising in the carrying out of the provisions of this Act, to the Exchequer Court of Canada, which court has power to make all necessary rules for the conduct of appeals under this section.

Procedure.

(2) For the purposes of any appeal the Superintendent shall at the request of the association concerned give a certificate in writing setting forth the ruling appealed from and the reasons therefor, but the ruling is binding upon the association unless the association within fifteen days after notice of the ruling serves upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days thereafter files its appeal with the Registrar of that court and with due diligence prosecutes the same, in which case action on such ruling shall be suspended until the court has rendered judgment thereon.

61. Where in the administration of any provision of this Act, it is necessary to determine some or all of the assets and liabilities of an association the Superintendent may, subject to section 60, amend any statement showing such assets and liabilities as if it were a statement to be embodied in his annual report to the Minister; and the statement, including the amendments, if any, made by the Superintendent, is conclusive for the purposes of such determination.

Amendment
of statement
of assets and
liabilities.

62. (1) If as the result of an examination of any association or if for any other reason the Superintendent believes that the assets of the association are insufficient to justify its continuance in business, he shall make a special report to the Treasury Board on the condition of the association.

Report to
Treasury
Board where
assets
insufficient.

(2) If the Treasury Board, after a reasonable time has been given to the association to be heard by it, and upon such further enquiry and investigation as it sees fit to make, reports to the Governor in Council that it agrees with the opinion of the Superintendent, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the certificate of the association and the association shall thereupon cease to transact further business; but the Treasury Board may, during such suspension or cancellation, issue such conditional certificate as it may deem necessary for the protection of the members and creditors of the association.

Cancellation
of certificate,
or issue of
conditional
certificate.

(3) If the Treasury Board deems it advisable, the conditional certificate may provide that the association shall, during the continuance of such conditional certificate, arrange for the sale of its assets and for the transfer of its liabilities under the provisions of section 10.

Conditional
certificate
may provide
for sale of
assets.

(4) If upon the expiration of the conditional certificate no arrangement satisfactory to the Treasury Board has been made for such sale and transfer, and if the association's condition is not then such as to warrant the restoration of the association's certificate, the association shall be deemed to be insolvent.

Deemed
insolvent
if no sale.

Miscellaneous.

63. Her Majesty is not liable to any depositor, creditor or member of any association, or to any other person, for any damages, payment, compensation or indemnity which he may suffer or claim by reason of sections 19, 52, 55, 56, 58, 59, 61, 62 and 80 or anything contained therein, or by reason of anything done or omitted to be done under the requirements of those sections, or by reason of anything

Supervision
and inspection
by
Superintendant
not to create
liability to
depositors,
creditors, etc.

omitted to be done that is by those sections required to be done, or by reason of any order or direction of the Governor in Council, the Treasury Board, the Minister or the Superintendent in the execution or administration of the powers or any of them conferred by those sections, or by reason of any failure or omission on the part of the Governor in Council, the Treasury Board, the Minister or the Superintendent or of any officer or employee of Her Majesty to execute or discharge any power, authority, or duty under those sections, or otherwise by reason of any default, negligence, mistake, error or omission in the administration or discharge of the powers or duties that in any circumstances are by those sections intended or authorized to be executed or performed; and no such payment, damages, compensation or indemnity, nor any claim therefor, shall in any case be authorized, paid or entertained by Her Majesty.

Annual
assessment.

64. The Superintendent shall annually cause an assessment to be prepared against each association on the basis of its total income during the last preceding year for the purpose of meeting the expense incurred in connection with the administration of this Act, and sections 6 and 8 of the *Department of Insurance Act* apply, *mutatis mutandis*, to every association to the same extent as if the title of this Act were inserted in the Schedule to the *Department of Insurance Act*.

Association
not to issue
bearer notes
etc.

65. Nothing in this Act shall be construed to authorize an association to issue any note payable to bearer or any promissory note intended to be circulated as money or as the note of a bank.

Lien on
shares.

66. An association has a lien on the shares, interest thereon, dividends and deposits of each member for debts due from the member to the association and may apply any sum credited to the member in or toward the payment of such debt.

PART III.

LIABILITIES.

Contracts.

Contracts.

67. (1) Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed and every promissory note and cheque made, drawn or endorsed on behalf of the association, by any agent, officer or servant of the association, within the apparent scope of his authority as such agent, officer or servant, is binding upon the association.

(2) It is not necessary to affix the seal of the association Seal. to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that it was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order.

(3) The person so acting as agent, officer or servant of the association, is not thereby subjected personally to any liability to any third person therefor. Liability of agent.

Liability of Directors.

68. (1) If the directors of an association declare and pay any dividend when the association is insolvent, or any dividend the payment of which renders the association insolvent or diminishes the capital thereof, they are jointly and severally liable, as well to the association as to the individual members and creditors thereof, to the amount of any dividends so declared and paid, for the debts of the association then existing, and for any debts thereafter contracted during their continuance in office. Liability for unlawful payment of dividends.

(2) If any director present when such dividend is declared does forthwith, or if any director then absent does, within five days after he becomes aware of such dividend being declared and is able so to do, by registered mail, notify the secretary of the association for entry on the minutes of the board of directors, and notify the Superintendent, of his protest against the declaration of the dividend, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the association is situated, or if there is no newspaper there published, in a newspaper published at the place nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability. Exoneration of director.

69. If any loan is made by an association in violation of the provisions of this Act, all directors and officers of the association who make the loan or assent thereto are jointly and severally liable, up to the amount of such loan with interest, to the association and also to creditors of the association, for all debts of the association then existing or contracted from the time of the making of such loan to the time of the repayment thereof. Liability for unlawful loans.

70. (1) The directors of an association are jointly and severally liable to the clerks and servants thereof for all debts, not exceeding six months' wages, due for services performed for the association while they are such directors, Debts for services.

but no director is liable to an action therefor unless the association has been sued for the debt within one year after the same became due, nor unless such director is sued therefor within one year from the time when he ceased to be such a director, nor unless an execution against the association at the suit of such clerk or servant is returned unsatisfied in whole or in part.

Amount.

(2) The amount unsatisfied on such execution is the amount recoverable with costs from the directors.

Offences and Penalties.

Refusal to make proper entries in books.

71. Every director, officer and servant of an association who refuses or wilfully neglects to make any proper entry in the books of the association is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

False returns.

72. The making of any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of an association, or the using of any false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the association is an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding five years.

Negligence.

73. Every director, auditor, manager or other officer of an association who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the association containing any false or deceptive statement, is guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding three years.

Refusal to produce books.

74. Every director, officer and servant of an association who refuses to produce for examination to the Superintendent or auditor or any member of his staff duly authorized by him to examine the condition and affairs of the association, all books and documents in his custody or control, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

Violation of Act.

75. Any association or person that does, causes or permits to be done any matter, act or thing contrary to any provision of this Act, or to any orders or directions made under this Act, or omits to do any matter, act or

thing by this Act required to be done by or on the part of such association or person, is guilty of an offence and, if no other penalty for such act or omission is provided in this Act, liable on summary conviction for each such offence to a fine of not less than twenty dollars and not more than five thousand dollars, and such association or person is also, in addition to such fine, liable to any person injured by such matter, act or thing, or by such omission, for all damages sustained thereby.

76. Every association that makes default in depositing in the Department the annual statement as required by this Act shall incur a penalty of ten dollars for each day during which the default continues. Failure to deposit statements.

77. (1) An association that makes a loan or investment contrary to section 44, 45, 46 or 83 is liable to a penalty of ten dollars for each day during which the loan or investment is outstanding. Penalty for unauthorized loan or investment.

(2) If default is made by or with respect to an association in complying with the provisions of section 47, the association is liable to a penalty of ten dollars for each day during which the default continues. Idem.

(3) The Minister may waive all or any part of the penalties prescribed by this section in any case where in his opinion the circumstances so warrant. Waiver of penalty.

(4) The penalties prescribed by this section are in addition to the penalties prescribed by section 75. Penalties additional.

78. The amount of the penalties imposed upon an association or person for any violation of this Act, unless otherwise provided by this Act, are recoverable and enforceable with costs at the suit of Her Majesty instituted by the Attorney General of Canada. Recovery of penalties.

PART IV.

CO-OPERATIVE CREDIT ORGANIZATIONS.

79. (1) Every organization that
 (a) is carrying on the business of a co-operative credit society,
 (b) is declared by Parliament to be eligible to become a member of an association, and
 (c) is registered on the books of the association as a shareholder thereof,
 shall, for the purposes of Parts II and III, be deemed to be a co-operative credit society incorporated by Special Certain co-operative credit societies deemed associations.

Act, and, except as provided in this Part, every such organization is invested with all the powers, privileges and immunities conferred on associations by sections 6, 8 and 10, and is subject to the limitations, liabilities and provisions set forth in Parts II and III and in this Part.

Coming
into force.

(2) Subsection (1) shall not come into force with respect to an organization until the organization has been granted a certificate by the Treasury Board under this Part.

Certificate.

80. (1) The Treasury Board may on the application of an organization grant a certificate authorizing the organization to carry on business under this Act.

Grant of
certificate.

(2) No certificate shall be granted under this section until the Treasury Board is satisfied that

(a) the organization complies with the requirements of subsection (1) of section 79, and

(b) the financial status and condition of the organization are such that

(i) it is able to meet all of its obligations, and

(ii) upon the grant of the certificate the organization will be able to satisfy all the requirements devolving on it under this Act;

and any certificate granted by the Treasury Board may contain, or may be amended to include, any limitations or conditions that the Treasury Board may deem necessary or advisable.

Where
powers
exercisable.

81. The power to receive money on deposit from its members and to lend money to its members, conferred on an organization by this Part, may be exercised only in the province in which the organization was constituted.

When
declaration
by Parlia-
ment deemed
repealed.

82. A declaration by Parliament that an organization is eligible to become a member of an association is deemed to be repealed

(a) if the organization does not, within two years after the day on which the declaration was made, become registered on the books of an association as a shareholder thereof,

(b) if the organization, having been registered on the books of the association as a shareholder thereof, ceases to be so registered, or

(c) if a certificate under this Part has not been granted within two years after the declaration by Parliament that the organization is eligible to become a member of an association, or within such extended period not exceeding one year as the Governor in Council before the expiration of such two years allows.

83. (1) An organization with respect to which subsection (1) of section 79 is in force shall not make any investment or deposit otherwise than as authorized by this Act. Prohibitions.

(2) An organization with respect to which subsection (1) of section 79 is in force may, with the consent of at least two-thirds of the full board of directors, make a loan that would otherwise be prohibited under section 46 to any member if the term of the loan does not exceed one year and the loan is adequately secured. Exception.

(3) Where an organization has made a loan to any member under the authority of subsection (2) or has authorized the making of such a loan, the organization shall prepare, as at the last day of March, June, September and December in each year and submit to the Superintendent and to its members, a statement showing Reports.

(a) the total amount of loans authorized and the total amount of loans outstanding for each such member at the date as at which the statement is prepared and the amount and nature of the security pledged by the member for such loans;

(b) the largest amount of loans authorized and the largest amount of loans outstanding for each such member at any time during the preceding quarter-year and the amount and nature of the security pledged by the member for such loans;

(c) the total amount of the securities of each such member that were owned by the organization at the date as at which the statement is prepared ; and

(d) the largest amount of the securities of each such member that were owned by the organization at any time during the preceding quarter-year.

(4) The statement required by subsection (3) shall be submitted to the Superintendent and to the members of the organization within fifteen days after the day as at which it is prepared. Time of report.

84. (1) If, on the day that subsection (1) of section 79 comes into force with respect to an organization, (in this section called the "effective day"), the aggregate mentioned in paragraph (a) of section 44 is a smaller proportion of the total amount of money on deposit with the organization than five per cent, such smaller proportion shall, in the application of that section to the organization, be substituted for five per cent for a period of one year from the effective day. Transitional.

(2) If on the effective day the aggregate mentioned in paragraph (a) of section 45 is a smaller proportion of the total amount of money on deposit with the organization than twenty per cent, such smaller proportion shall, in Idem.

the application of that section to the organization, be substituted for twenty per cent for a period of one year from the effective day.

Idem.

(3) If on the effective day the aggregate of the amounts set out in subparagraphs (i) and (ii) of paragraph (a) of section 46 with respect to any member exceeds ten per cent of the aggregate of the paid-up capital of the organization and the total amount of money on deposit with the organization, then, until the first mentioned aggregate is reduced to less than ten per cent of the second mentioned aggregate, the organization

(a) shall not lend any money to or make any investment in the securities of that member, and

(b) subsections (3) and (4) of section 83 are applicable as though the total amount of loans made to that member had been made under the authority of subsection (2) of that section.

Idem.

(4) If on the effective day the aggregate of the amounts set out in paragraphs (a), (b) and (c) of section 47 is greater than ten times the aggregate of the amounts set out in paragraphs (d), (e) and (f) of that section, then, until the expiration of two years from the effective day or until the first mentioned aggregate is reduced to less than ten times the second mentioned aggregate, whichever is earlier, section 47 does not apply to the organization.

Superintendent may require information.

85. Where an organization has been declared by Parliament to be eligible to become a member of an association, then, until such time as a certificate is granted to the organization by the Treasury Board under this Part or the declaration is deemed to be repealed under paragraph (a) or paragraph (c) of section 82, the Superintendent may require from the organization any statement that the organization would be required to deposit in the Department, or any information concerning its condition and affairs that he could require, if Part II of this Act applied to the organization.

1 - 2 ELIZABETH II.

CHAP. 29.

An Act to amend the Criminal Code.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (e) of section 1056 of the *Criminal Code*, chapter 36 of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"(e) until a day to be fixed by proclamation of the Governor in Council, the word "penitentiary" as first used in this section does not include the penitentiary mentioned in section 37 of *The Statute Law Amendment (Newfoundland) Act*, chapter 6 of the statutes of 1949, or in section 82 of the *Penitentiary Act*, chapter 206 of the Revised Statutes of Canada, 1952."

"Peni-
tentiary".

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 30.

An Act respecting the Liability of the Crown for Torts and Civil Salvage.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Crown Liability Act*. Short title.

INTERPRETATION.

2. In this Act

- (a) "Crown" means Her Majesty in right of Canada; Definitions.
"Crown".
(b) "Crown ship" means a ship, as defined in the *Canada Shipping Act*, that is owned by or is in the exclusive possession of the Crown; "Crown ship".
(c) "servant" includes agent, but does not include any person appointed or employed by or under the authority of an ordinance of the Yukon Territory or the Northwest Territories; and Servant".
(d) "tort" in respect of any matter arising in the Province of Quebec, means delict or quasi-delict. "Tort"

PART I.

LIABILITY.

Tort and Civil Salvage.

3. (1) The Crown is liable in tort for the damages for which, if it were a private person of full age and capacity, it would be liable Liability in tort.

(a) in respect of a tort committed by a servant of the Crown, or

(b) in respect of a breach of duty attaching to the ownership, occupation, possession or control of property.

Motor
vehicles.

(2) The Crown is liable for the damage sustained by any person by reason of a motor vehicle, owned by the Crown, upon a highway, for which the Crown would be liable if it were a private person of full age and capacity.

Civil
salvage.

(3) The law relating to civil salvage, whether of life or property, (except sections 521 to 524, 527 to 531 and 533 of the *Canada Shipping Act, 1934*) applies in relation to salvage services rendered after the coming into force of this Part in assisting any Crown ship or aircraft, or in saving life therefrom, or in saving any cargo or apparel belonging to the Crown, in the same manner as if the ship, aircraft, cargo or other apparel belonged to a private person, except that all claims against the Crown under this subsection shall be made by petition of right and shall be heard and determined by a judge of the Exchequer Court of Canada.

Limitation
of liability.

(4) Sections 647 and 649 to 655 of the *Canada Shipping Act, 1934*, apply for the purpose of limiting the liability of the Crown in respect of Crown ships; and where, for the purposes of any proceedings under this Act, it is necessary to ascertain the tonnage of a ship that has no register tonnage within the meaning of the *Canada Shipping Act, 1934*, the tonnage of the ship shall be ascertained in accordance with section 92 of that Act.

Idem.

(5) Section 539 of the *Canada Shipping Act, 1934*, applies in respect of salvage services rendered to Crown ships or aircraft as it applies in respect of salvage services rendered to other ships or aircraft, and sections 640 to 642 of that Act apply in respect of Crown ships as they apply in the case of other ships.

Saving in
respect of
prerogative
and
statutory
powers.

(6) Nothing in this section makes the Crown liable in respect of anything done or omitted in the exercise of any power or authority that, if this section had not been passed, would have been exercisable by virtue of the prerogative of the Crown, or any power or authority conferred on the Crown by any statute, and, in particular, but without restricting the generality of the foregoing, nothing in this section makes the Crown liable in respect of anything done or omitted in the exercise of any power or authority exercisable by the Crown, whether in time of peace or of war, for the purpose of the defence of Canada or of training, or maintaining the efficiency of, any of the naval, army or air forces of Canada.

Special Provisions respecting Liability.

No proceed-
ings lie where
pension
payable.

4. (1) No proceedings lie against the Crown or a servant of the Crown in respect of a claim if a pension or compensation has been paid or is payable out of the Consolidated

Revenue Fund or out of any funds administered by an agency of the Crown in respect of the death, injury, damage or loss in respect of which the claim is made.

(2) No proceedings lie against the Crown by virtue of paragraph (a) of subsection (1) of section 3 in respect of any act or omission of a servant of the Crown unless the act or omission would apart from the provisions of this Act have given rise to a cause of action in tort against that servant or his personal representative. Liability for acts of servants.

(3) No proceedings lie against the Crown by virtue of subsection (2) of section 3 in respect of damage sustained by any person by reason of a motor vehicle upon a highway unless the driver of the motor vehicle or his personal representative is liable for the damage so sustained. Motor vehicles.

(4) No proceedings lie against the Crown by virtue of paragraph (b) of subsection (1) of section 3 unless, within seven days after the claim arose, notice in writing of the claim and of the injury complained of Notice of claim.

(a) has been served upon a responsible official of the department or agency administering the property or the employee of the department or agency in control or charge of the property, and

(b) a copy of the notice has been sent by registered mail to the Deputy Attorney General of Canada.

(5) In the case of the death of the person injured, failure to give the notice required by subsection (4) is not a bar to the proceedings, and, except where the injury was caused by snow or ice, failure to give or insufficiency of the notice is not a bar to the proceedings if the court or judge before whom the proceedings are taken is of opinion that the Crown in its defence was not prejudiced by the want or insufficiency of the notice and that to bar the proceedings would be an injustice, notwithstanding that reasonable excuse for the want or insufficiency of the notice is not established. Exception.

Property.

5. (1) Paragraph (b) of subsection (1) of section 3 shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force and application of s. 3 (1) (b).

(2) Paragraph (b) of subsection (1) of section 3 is not applicable in respect of any property acquired by the Crown on, before or after the day fixed under subsection (1) unless the Crown or some person acting for the Crown has, in fact, Ibidem.

(a) in the case of personal property, taken physical control thereof, and

(b) in the case of real property, entered into occupation thereof.

Idem.

(3) Where the Governor in Council has by order published in the *Canada Gazette* declared that the Crown has, either before or after the day fixed under subsection (1), ceased to be in control of any specified personal property or to be in occupation of any specified real property, paragraph (b) of subsection (1) of section 3 is not applicable in respect of the specified property from the day of publication of the order until the day the order is revoked.

Proceedings in Rem.

Proceedings
in rem.

6. Nothing in this Act authorizes proceedings *in rem* in respect of any claim against the Crown, or the arrest, detention or sale of any Crown ship or aircraft, or of any cargo or other property belonging to the Crown, or gives to any person any lien on any such ship, aircraft, cargo or other property.

Jurisdiction of Exchequer Court.

Exclusive
jurisdiction of
Exchequer
Court.

7. (1) Except as provided in section 8, and subject to section 23, the Exchequer Court of Canada has exclusive original jurisdiction to hear and determine every claim for damages under this Act.

Concurrent
jurisdiction.

(2) The Exchequer Court of Canada has concurrent original jurisdiction with respect to the claims described in subsection (2) of section 8, and any claim that may be the subject-matter of an action, suit or other legal proceeding referred to in section 23.

PART II.

PROCEEDINGS IN PROVINCIAL COURTS.

Jurisdiction.

"Provincial
court"
defined.

8. (1) In this section "provincial court" with respect to any province in which a claim sought to be enforced under this Part arises, means the county or district court that would have jurisdiction if the claim were against a private person of full age and capacity, or, if there is no such county or district court in the province or the county or district court in the province does not have such jurisdiction, means the superior court of the province.

Jurisdiction
of provincial
court.

(2) Notwithstanding the *Exchequer Court Act*, a claim against the Crown for a sum not exceeding one thousand dollars arising out of any death or injury to the person or to property resulting from the negligence of a servant of the Crown while acting within the scope of his duties or

employment may be heard and determined by the provincial court, and an appeal lies from the judgment of a provincial court given in any proceedings taken under this section as from a judgment in similar proceedings between subject and subject.

(3) No provincial court has jurisdiction to entertain any proceedings taken by any person under this Part if proceedings taken by that person in the Exchequer Court of Canada in respect of the same cause of action, whether taken before or after the proceedings are taken in the provincial court, are pending.

No proceedings where proceedings pending in Exchequer Court.

Transfer to Exchequer Court.

9. (1) Where in any proceedings in a provincial court under this Part a defence or counterclaim of the Crown involves a matter beyond the jurisdiction of the provincial court, the defence or counterclaim does not affect the competence or the duty of the provincial court to dispose of the whole matter in controversy so far as it relates to the demand of the plaintiff and the defence thereto; but no relief exceeding that which the court has jurisdiction to administer shall be given to the Crown upon the counterclaim.

Counterclaim in excess of jurisdiction.

(2) In any case mentioned in subsection (1), a judge of the Exchequer Court of Canada, on the application of any party to the proceedings in the provincial court, may order that the whole proceedings be transferred from the provincial court to the Exchequer Court, and any proceedings so transferred shall be continued in the Exchequer Court as though they were by way of petition of right.

Transfer to Exchequer Court.

(3) Where proceedings have been taken under this Part in a provincial court, a judge of the Exchequer Court of Canada may, on the application of the Crown, order that the proceedings be transferred to the Exchequer Court in any case where the judge is satisfied that

Transfers in other cases.

- (a) the validity of an Act of the Parliament of Canada or of the legislature of any province or any order, rule or regulation thereunder is called in question;
 - (b) the proceedings involve a matter by which rights in the future of the parties may be affected;
 - (c) proceedings in respect of the same cause of action or in respect of a cause of action arising out of the same matter are pending in the Exchequer Court; or
 - (d) for any other reason it is just and expedient to do so;
- and any proceedings so transferred shall be continued in the Exchequer Court as though they were by way of petition of right.

Procedure.

Notice of
claim in pro-
vincial court.

10. (1) Except in the case of a counterclaim, no proceedings shall be commenced under this Part unless the claimant has at least ninety days before the commencement of the proceedings served on the Deputy Attorney General of Canada or sent to him by registered post a notice of the claim together with sufficient details of the facts upon which the claim is based to enable him to investigate it.

Proceedings
in name of
A. G. of
Canada or
Crown agent.

(2) Proceedings against the Crown under this Part may be taken in the name of the Attorney General of Canada or, in the case of an agency of the Crown against which proceedings are by Act of Parliament authorized to be taken in the name of the agency, in the name of that agency.

Service of
writ.

(3) Where proceedings under this Part are taken against the Crown in the name of the Attorney General of Canada the writ of summons or other instrument originating the proceedings shall be served on the Crown by serving it on the Deputy Attorney General of Canada or sending it to him by registered post, and where proceedings under this Part are taken against the Crown in the name of an agency of the Crown the writ of summons or other instrument originating the proceedings shall be served on the Crown by serving it on the chief executive officer of the agency or sending it to him by registered post.

Defences.

11. In any proceedings against the Crown under this Part the Crown may raise

- (a) any defence that would be available if the proceedings were a suit or action in a competent court between subject and subject, and
- (b) any defence that would be available if the proceedings were by way of petition of right in the Exchequer Court of Canada.

No judgment
by default
without
leave.

12. In any proceedings against the Crown under this Part judgment shall not be entered against the Crown in default of appearance or pleading without the leave of the court to be obtained on application of which at least fourteen clear days' notice has been given to the Deputy Attorney General of Canada.

No jury
trials.

13. In any proceedings against the Crown under this Part trial shall be without a jury.

Rules of
court.

14. Except as otherwise provided by this Act or the regulations, the rules of practice and procedure of the court in which proceedings under this Part are taken apply in those proceedings.

PART III.

GENERAL.

Costs.

15. In any proceedings under this Act costs may be awarded to or against the Crown. Costs.

16. In any proceedings under this Act costs awarded to the Crown shall not be disallowed or reduced upon taxation merely because the solicitor or counsel who earned such costs, or in respect of whose services the costs are charged, was a salaried officer of the Crown performing such services in the discharge of his duty and remunerated therefor by his salary, or for that or any other reason not entitled to recover any costs from the Crown in respect of the services so rendered; but the costs recovered by or on behalf of the Crown in any such case shall be paid into the Consolidated Revenue Fund. Costs earned by salaried officers of the Crown.

Payment of Judgment.

17. (1) No execution shall issue on a judgment against the Crown given under this Act. No execution against Crown.

(2) Upon receipt of a certificate of judgment against the Crown issued pursuant to the regulations the Minister of Finance may pay out of the Consolidated Revenue Fund any money awarded by the judgment to any person against the Crown under this Act. Payment of judgment.

Interest.

18. The Minister of Finance may allow and pay out of the Consolidated Revenue Fund to any person entitled by a judgment under this Act to any money or costs, interest thereon at a rate not exceeding four per cent from the date of the judgment until the money or costs are paid. Interest.

Prescription and Limitation.

19. (1) Unless otherwise provided in this Act, the laws relating to prescription and the limitation of actions in force in any province between subject and subject apply to any proceedings against the Crown under this Act in respect of any cause of action arising in such province, and proceedings against the Crown under this Act in respect of a cause of action arising otherwise than in a province shall be taken within and not after six years after the cause of action arose. Prescription and limitation laws.

Idem.

(2) In any proceedings under this Act, for the purposes of any laws relating to prescription and the limitation of actions, the day on which the notice mentioned in subsection (1) of section 10 was served on or received by the Deputy Attorney General of Canada shall be deemed to be the day on which the proceedings were commenced, if the proceedings are commenced within one hundred days after such notice was so served or received.

Application of Statutes to Crown.

Application of
statutes to
Crown.

20. Except as otherwise expressly provided in this Act, nothing in this Act affects any rule of evidence or any presumption relating to the extent to which the Crown is bound by an Act of Parliament.

Mode of Service.

Service on
Deputy
Attorney
General.

21. Where by this Act a writ, notice or other document is authorized or required to be served on or sent by registered post to the Deputy Attorney General of Canada, it shall be served or sent by leaving it at or sending it by registered post to the office of the Deputy Attorney General of Canada, and service of a document by registered post on the Deputy Attorney General of Canada is not effected until the document has been received at the office of the Deputy Attorney General of Canada.

Regulations

Regulations.

22. The Governor in Council may make regulations

- (a) prescribing rules of practice and procedure in respect of proceedings taken in provincial courts under Part II, including tariffs of fees and costs;
- (b) prescribing forms for the purposes of this Act;
- (c) respecting the issue of certificates of judgments against the Crown under this Act;
- (d) making applicable to any proceedings taken in provincial courts under Part II all or any of the rules of evidence applicable in similar proceedings in those courts as between subject and subject; and
- (e) generally for carrying the purposes and provisions of this Act into effect.

Agencies of the Crown.

Actions,
etc.,
against
Crown
agencies.

23. Subsection (1) of section 7 and subsections (1) and (2) of section 8 do not apply to or in respect of actions, suits or other legal proceedings in respect of a cause of action coming within section 3 brought or taken in a court other

than the Exchequer Court of Canada against an agency of the Crown in accordance with the provisions of any Act of Parliament that authorizes such actions, suits or other legal proceedings to be so brought or taken; but all the remaining provisions of this Act apply to and in respect of such actions, suits or other legal proceedings, subject to the following modifications:

- (a) any such action, suit or other legal proceeding shall, for the purposes of this Act, be deemed to have been taken in a provincial court under Part II; and
- (b) any money awarded to any person by a judgment in any such action, suit or other legal proceeding, or the interest thereon allowed by the Minister of Finance under section 18, may be paid out of any funds administered by that agency.

Operation of Act.

24. (1) No proceedings shall be taken against the Crown under this Act in respect of any act, omission, transaction, matter or thing occurring or existing before the day on which this Act was assented to. Operation.

(2) No proceedings shall be taken against the Crown in respect of a claim under paragraph (b) of subsection (1) of section 3 in respect of any property unless that paragraph was in force with respect to that property at the time the claim arose. Idem.

COMING INTO FORCE AND REPEAL.

25. (1) Part II of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force.

(2) Paragraph (c) of subsection (1) of section 19 of the *Exchequer Court Act*, chapter 34 of the Revised Statutes of Canada, 1927, is repealed. Repeal

(3) Upon the coming into force of the Revised Statutes of Canada, 1952,

(a) paragraph (c) of subsection (1) of section 18 of the *Exchequer Court Act*, chapter 98 of the Revised Statutes of Canada, 1952, is repealed, and

(b) subsections (3), (4) and (5) of section 3 of this Act are repealed and the following substituted therefor:

“(3) The law relating to civil salvage, whether of life or property, (except sections 528 to 531, 534 to 538 and 540 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952,) applies in relation to salvage services rendered after the coming into force of this Act in assisting any Crown ship or aircraft, or in saving life therefrom, or in saving any cargo or apparel Civil salvage.

belonging to the Crown, in the same manner as if the ship, aircraft, cargo or other apparel belonged to a private person, except that all claims against the Crown under this subsection shall be made by petition of right and shall be heard and determined by a judge of the Exchequer Court of Canada.

Limitation
of liability.

(4) Sections 655 and 657 to 663 of the *Canada Shipping Act* apply for the purpose of limiting the liability of the Crown in respect of Crown ships; and where, for the purposes of any proceedings under this Act, it is necessary to ascertain the tonnage of a ship that has no register tonnage within the meaning of the *Canada Shipping Act*, the tonnage of the ship shall be ascertained in accordance with section 94 of that Act.

Idem.

(5) Section 546 of the *Canada Shipping Act* applies in respect of salvage services rendered to Crown ships or aircraft as it applies in respect of salvage services rendered to other ships or aircraft, and sections 648 to 650 of that Act apply in respect of Crown ships as they apply in the case of other ships."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II

CHAP. 31.

An Act to amend the Customs Tariff.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. (1) Schedule A to the *Customs Tariff*, chapter 44 of the Revised Statutes of Canada, 1927, is amended by deleting therefrom the following enumeration of goods and rate of additional duty of customs as enacted by section 2 of chapter 29 of the statutes of 1940:

"Cigarettes weighing not more than three pounds per thousand.....\$2.00 per thousand."

(2) Schedule A to the said Act is further amended by striking out tariff items 105c, 173, 272b, 272c, 280 (2) and (3), 409c, 409e (i), (ii) and (iii), 409f, 409g, 409q, 410l, 410p, 410q, 412, 412a, 436, 440k (1), 442, 442d, 476a, 478, 479, 538, 538a, 538b, 561, 567b, 657a, 681b, 691 and 696, the several enumerations of goods respectively, and the several rates of duties of customs, if any, set opposite each of the said items, and by inserting in Schedule A to the said Act the items, enumerations and rates of duty that are specified in the Schedule to this Act.

2. Item 1206 in Schedule C to the said Act is repealed and the following substituted therefor:

"1206 Goods manufactured or produced wholly or in part by prison labour, or which have been made within or in connection with any prison, jail or penitentiary; also goods similar in character to those produced in such institutions, when sold or offered for sale by any person, firm or corporation having a contract for the manufacture of such articles in such institutions or by any agent of such person, firm or corporation, or when such goods were originally purchased from or transferred by any such contractor

The Governor in Council may by regulation exempt any goods or class of goods to be further manufactured in Canada from the provisions of this item."

Date of
coming
into force.

3. This Part and the Schedule to this Act shall be deemed to have come into force on the 20th day of February, 1953, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

PART II.

Schedule A
amended.

4. (1) Item 143a in Schedule A to the *Customs Tariff*, chapter 60 of the Revised Statutes of Canada, 1952, as amended by chapter 316 of the Revised Statutes of Canada, 1952, is amended by deleting therefrom the following:

"and in addition thereto, when weighing not more than three pounds per thousand, under all tariffs, \$2.00 per thousand."

Idem.

(2) Schedule A to the said Act is further amended by striking out tariff items 105c, 173, 272b, 272c, 280 (2) and (3), 409c, 409e (i), (ii) and (iii), 409f, 409g, 409q, 410l, 410p, 410q, 412, 412a, 436, 440k (1), 442, 442d, 476a, 478, 479, 538, 538a, 538b, 561, 567b, 657a, 681b, 691 and 696, the several enumerations of goods respectively, and the several rates of duties of customs, if any, set opposite each of the said items, and by inserting in Schedule A to the said Act the items, enumerations and rates of duty that are specified in the Schedule to this Act.

Schedule C
amended.

5. Item 1206 in Schedule C to the said Act is repealed and the following substituted therefor:

"1206 Goods manufactured or produced wholly or in part by prison labour, or which have been made within or in connection with any prison, jail or penitentiary; also goods similar in character to those produced in such institutions, when sold or offered for sale by any person, firm or corporation having a contract for the manufacture of such articles in such institutions or by any agent of such person, firm or corporation, or when such goods were originally purchased from or transferred by any such contractor.

The Governor in Council may by regulation exempt any goods or class of goods to be further manufactured in Canada from the provisions of this item."

6. This Part shall come into force, and sections 1 and 2 of this Act are repealed, on the day the Revised Statutes of Canada, 1952, come into force.

SCHEDULE

| Tariff Item | | British Preferential Tariff | Most Favoured Nation Tariff | General Tariff |
|-------------|--|-----------------------------|-----------------------------|--------------------|
| 105c | Olives, sulphured or in brine, not bottled..... <i>On and after July 1, 1954</i> | Free 10 p.c. | Free 17½ p.c. | 20 p.c. 30 p.c. |
| 173 | (1) Books which are included in the curriculum of any university, college or school in Canada for use as text books or as works of reference, not to include dictionaries..... | Free | Free | Free |
| | (2) <i>Printed books, pamphlets and cards for use in intelligence testing and other articles and materials imported with and specially designed for use with such printed books, pamphlets and cards</i> | Free | Free | Free |
| | (3) All books for bona fide libraries, and being the property of the organized authorities of such libraries and not in any case the property of individuals or business concerns, under such regulations as the Minister may prescribe.... | Free | Free | Free |
| | (4) <i>Single copies of books when sent to a reviewer of books for bona fide review purposes; single copies of books when sent unsolicited and without charge to faculty members of universities or colleges; under such regulations as the Minister may prescribe</i> | Free | Free | Free |
| | (5) Directories for free reference libraries..... | Free | Free | Free |
| | (6) Books received from free lending libraries abroad, subject to return under Customs supervision within sixty days..... | Free | Free | Free |
| 199 | <i>Wire reinforced paper tape, printed or not, imported for use in the packaging of fruit, vegetables and other farm or garden produce</i> | 5 p.c. | 10 p.c. | 35 p.c. |
| 237 | <i>Isotopes, artificially produced</i> | Free | Free | 25 p.c. |
| 272b | Petroleum waxes not including petroleum greases | | | |
| | (1) When imported for use exclusively in the manufacture of candles..... | Free | Free | 25 p.c. |
| | (2) N.o.p. | 15 p.c. | 17½ p.c. | 25 p.c. |
| 280 | (2) Grease and oils, rough, the refuse of animal fat, for the manufacture of soap and oils only.. | Free | Free | Free |
| 403 | (g) <i>Wire rope or cable, coated or not, for use exclusively in commercial fishing operations</i> | Free | 10 p.c. | 25 p.c. |
| 409c | (1) Ploughs and parts thereof; <i>plough bolts</i> | Free | Free | Free |
| | (2) Farm or field rollers and parts thereof..... | Free | Free | Free |
| | (3) Lawn or garden rollers and parts thereof... | Free | Free | Free |
| | (4) Soil packers and parts thereof..... | Free | Free | Free |
| 409e | (1) Spraying and dusting machines and attachments therefor, including hand sprayers; <i>apparatus for the destruction of predatory animals by the discharge of poisonous cartridges; starter cartridges for diesel engines; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; dehorning instruments; parts of the foregoing</i> | Free | Free | Free |

SCHEDULE—Continued

| Tariff Item | | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|--|-----------------------------|-----------------------------|----------------|
| | (2) Fruit and vegetable grading, grating, washing and wiping machines; combination bagging and weighing machines; machines for topping vegetables; machines for bunching and/or tying cut flowers, vegetables and nursery stock; machines for making or lidding boxes for fruit or vegetables; egg-graders and egg-cleaners; <i>silage caps</i> ; parts of the foregoing. | Free | Free | Free |
| | (3) Binder twine; wire and twine for baling farm produce..... | Free | Free | Free |
| 409f | Grain crushers; grain or hay grinders; grain or hay dryers; milk coolers; steel stanchions for confining livestock either in pens or individually, including complete equipment for milking parlors; automatic stock watering bowls; barn litter carriers and track; sprinkler irrigation systems; barn hay forks, carriage, pulleys and track; <i>hydraulic hoists for unloading vehicles</i> ; all the foregoing for use on the farm for farm purposes only; hay loaders; hay tedders, potato planters, potato diggers, fodder or feed cutters, ensilage cutters, post hole diggers, snaths, stumping machines, grain loaders or elevators with a capacity not exceeding 40 bushels per minute and all other agricultural implements or agricultural machinery, n.o.p., and complete parts of all the foregoing..... | Free | Free | Free |
| 409g | Incubators for hatching eggs; brooders for rearing young fowl; <i>poultry sex testers</i> ; parts of the foregoing..... | Free | Free | Free |
| 409q | (1) Auxiliary internal combustion engines incorporated in or attached to, or to be incorporated in or attached to, agricultural implements or agricultural machinery; parts of the foregoing..... | Free | Free | Free |
| | (2) Electric motors incorporated in or attached to, or to be incorporated in or attached to, agricultural implements or agricultural machinery; parts of the foregoing..... | Free | Free | Free |
| 410i | Coal crushers, ore crushers, rock crushers, stamp mills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n.o.p., and parts of all the foregoing, for use exclusively at mines, at quarries, or in metallurgical operations or in the beneficiation of non-metalliferous ores..... | 5 p.c. | 15 p.c. | 25 p.c. |
| 410p | Sundry articles of metal as follows, for use exclusively in mining and metallurgical operations, viz.: furnaces for the smelting of ores; converting apparatus for metallurgical processes in metals; <i>apparatus for chemical conversion, extraction, reduction or recovery, n.o.p.</i> ; machinery for the extraction of precious metals by the chlorination or cyanide processes, not to include pumps, vacuum pumps or compressors; blast furnace blowing engines for the production of pig iron; parts of the foregoing..... | Free | Free | Free |

SCHEDULE—Continued

| Tariff Item | | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|---|-----------------------------|-----------------------------|----------------|
| 410q | Pumps and vacuum pumps, and parts thereof, for use exclusively in the extraction of precious metals by the chlorination or cyanide processes, or in chemical conversion, extraction, reduction or recovery in metallurgical operations. | 15 p.c. | 15 p.c. | 20 p.c. |
| 412 | Printing presses, of a class or kind not made in Canada, for use in the printing of newspapers, telephone directories or periodical publications which, if imported, would qualify for entry under Tariff Item 184a, and parts thereof, not to include saws, knives and motive power; mechanical deliveries or conveyors, and parts thereof, for use with the foregoing printing presses..... | Free | Free | Free |
| 412a | Machinery and apparatus, n.o.p., viz.: Gun and mould apparatus for making press rollers; Machines and apparatus for making electrotypes and stereotypes; Engraving machines and apparatus, including photo-engraving apparatus, and other plate-making apparatus, used in the manufacture of printing plates of all kinds; Machines and apparatus for graining metal plates; Machines and apparatus for sensitizing, grinding or polishing metal plates; Machines and apparatus including cameras and camera equipment, lens, prisms, camera and printing lamps, screens, and vacuum frames for transferring by photographic processes, or direct, to plates or rolls for use in lithography, rotogravure and printing; Shading apparatus; Machines and apparatus for addressing and/or wrapping newspapers, magazines, periodicals, pamphlets and catalogues; Machines and apparatus for embossing or stamping or producing embossed or engraved effects, bookbinding, looping, stitching, sewing, gathering, inserting, bronzing, dusting, creasing, scoring, cutting, perforating, drilling, punching, slitting, rewinding, glueing, pasting, gumming, waxing, varnishing, carbon coating, patching, numbering, ruling, jogging, sheet piling, tying, bundling, tube-making, metal mounting, eyeletting, staying or stripping, reinforcing and box-covering; Parts of the foregoing not to include saws, knives and motive power; All the foregoing, when for use exclusively by, and in their capacities as printers, lithographers, bookbinders, manufacturers of stereotypes, electrotypes and printing plates or rolls, paper or foil converters, or by manufacturers of articles made from paper, cardboard or foil..... | Free | Free | 10 p.c. |
| 415a | (iii) Refrigerator parts, of iron or steel or of which iron or steel or both are the component materials of chief value..... | 7½ p.c. | 20 p.c. | 35 p.c. |

SCHEDULE—Continued

| Tariff Item | | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|--|-----------------------------|-----------------------------|----------------|
| 436 | Locomotives and railway passenger, baggage and freight cars, being the property or under the control of railway companies in the United States, running upon any line or road crossing the frontier, so long as Canadian locomotives and cars are admitted free under similar circumstances into the United States, under regulations prescribed by the Minister..... If such locomotives and railway rolling stock are used temporarily in the transportation of goods from a place in Canada to another place in Canada they are not entitled to free entry but are subject to duty on the rental value or charge made by the United States owner for their use in Canada, or equivalent thereof as determined by regulations prescribed by the Minister. | | Free | Free |
| 440k | (1) Engines and complete parts thereof, n.o.p., to be used exclusively in the propulsion of boats or in hoisting nets and lines used in such boats for use exclusively in bona fide commercial fishing operations, under such regulations as the Minister may prescribe..... | Free | Free | 15 p.c. |
| | (3) <i>Materials and articles for the manufacture or repair of the engines provided for in Items 440k (1) and 440k (2)</i> | Free | Free | 15 p.c. |
| 442 | Articles and materials which enter into the cost of manufacture of the goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, 409q, 427b (1) and 439c, when imported for use in the manufacture of the goods enumerated in the aforesaid tariff items, or in the manufacture of parts therefor, under such regulations as the Minister may prescribe | Free | Free | Free |
| 442d | Materials, including all parts, wholly or in chief part of metal, of a class or kind not made in Canada, when imported for use in the manufacture of goods entitled to entry under tariff items 410a (iii), 410g, 410l, 410n, 410o, 410p, 410q, 410s, 410u, 410v, 410w, 410x, 410z, 411, 411a, 411b, 427b, 427c, 427f, 428c, 428e, 440k and 447a, under such regulations as the Minister may prescribe..... | Free | Free | 10 p.c. |
| 443d | Gas control devices of a class or kind not made in Canada: (1) for use on cooking apparatus or on apparatus for heating buildings or in the gas line between such apparatus and the meter; and parts thereof. | Free | 7½ p.c. | 30 p.c. |
| | (2) for the manufacture or repair of, or for conversion to, gas-fired apparatus for cooking or for heating buildings; and parts thereof..... | Free | 7½ p.c. | 30 p.c. |
| 443e | (1) Timing devices for apparatus for cooking or for heating buildings; parts thereof..... | 15 p.c. | 22½ p.c. | 30 p.c. |
| | (2) Timers for radios and parts thereof..... | 15 p.c. | 22½ p.c. | 30 p.c. |

SCHEDULE—Continued

| Tariff Item | | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|---|-----------------------------|-----------------------------|--------------------|
| 476a | Glassware and other scientific apparatus for laboratory work in public hospitals; chairs and tables for surgical operating purposes and parts thereof; infant incubators and parts thereof; infant identification bead sets including cases, and parts thereof; electrocardiographs and parts thereof, and sensitized film and paper for use therein; <i>electroencephalographic paper</i> ; apparatus for sterilizing purposes, including bedpan washers and sterilizers but not including washing nor laundry machines; all for the use of any public hospital, under such regulations as the Minister may prescribe..... | Free | Free | Free |
| 478 | (1) Artificial limbs; spinal and other orthopedic braces; parts of the foregoing..... | Free | Free | Free |
| | (2) <i>Aural and nasal prostheses; ileostomy, colostomy and urinary appliances designed to be worn by an individual; materials and articles required therewith for proper application and maintenance.</i> | Free | Free | Free |
| | (3) Materials and articles for use in the manufacture of the goods enumerated in Tariff Items 478(1) and 478(2)..... | Free | Free | Free |
| 561 | Woven fabrics wholly or in part of synthetic textile fibres or filaments, not containing wool, not including fabrics in chief part by weight of silk, n.o.p..... | 27½ p.c. | 40 p.c. 40 cts. | 45 p.c. 40 cts. |
| | and, per pound <i>Woven fabrics containing five per cent or less, by weight, of synthetic textile yarns or filaments are not dutiable under this item, but are dutiable as though such fabrics were composed only of the remaining constituents.</i> | | | |
| 567b | (1) Church vestments of any material..... | 10 p.c. | 10 p.c. | 20 p.c. |
| | (2) <i>Prayer shawls, prayer shawl fringes, and prayer shawl bags.</i> | 10 p.c. | 10 p.c. | 20 p.c. |
| 604 | (3) <i>Pinseal leather made from seal skin.</i> | Free | 10 p.c. | 27½ p.c. |
| 657a | Cinematograph or moving picture films, positives, n.o.p.: (1) One and one-eighth of an inch in width and over..... per linear foot | 1½ cts. | 1½ cts. | 3 cts. |
| | (2) <i>Under one and one-eighth of an inch in width</i> per linear foot | Free | 1½ cts. 20 p.c. | 3 cts. 30 p.c. |
| | <i>In no case shall the duty exceed.</i> | | | |
| 680b | <i>Calcareous and chitinous exoskeletons of marine animal origin, dyed or otherwise prepared or not, imported solely for decorative purposes.</i> | Free | 5 p.c. | 25 p.c. |
| 681b | Residue, revert, or waste from chemical, metallurgical or <i>metal working</i> processes, containing aluminum oxide or other aluminum compounds mixed with other materials, imported by Canadian smelters or refiners for recovery of aluminum oxide and attendant by-products | Free | Free | 10 p.c. |

SCHEDULE—Concluded

| Tariff Item | | British Preferential Tariff | Most-Favoured-Nation Tariff | General Tariff |
|-------------|---|-----------------------------|-----------------------------|----------------|
| 691 | (1) Communion sets; oil stocks; crosiers; benitiers; sprinklers; incensers; incense boats; baptismal shells or fonts; scapulars; chapelets; rosaries; religious <i>statues, statuettes</i> , medals and crosses; <i>Scroll sets; Chanuka candlesticks; Kiddush sets; Mezuzah boxes; Havdalah sets; parts of the foregoing</i> | Free | Free | Free |
| | (2) <i>Materials and articles for the manufacture of the goods enumerated in Item 691 (1)</i> | Free | Free | Free |
| 696 | (1) Philosophical and scientific apparatus (<i>and ancillary equipment thereto</i>), utensils, instruments, and preparations, including boxes and bottles containing the same; maps, charts, photographic reproductions and other pictorial illustrations, casts as models, animals as research or experimental subjects; living plants, seeds, cuttings, buds, scions, tubers, bulbs and root-stock; mechanical equipment of a class or kind not made in Canada; <i>parts of the foregoing</i> . All articles in this item, when for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any public hospital, college, academy, school, or seminary of learning in Canada, and not for sale, under such regulations as the Minister may prescribe..... | Free | Free | Free |
| | (2) <i>Materials and articles for the manufacture of the goods specified in Tariff Item 696 (1)</i> | Free | Free | Free |
| 703 | (c) Goods (not including alcoholic beverages, cigars, cigarettes or manufactured tobacco) valued at not more than \$1,000 imported by members of the Canadian Armed Forces after an absence from Canada of not less than one year and acquired by them for personal or household use and actually owned abroad by them for at least six months before their return to Canada, under such regulations as the Minister may prescribe..... <i>Any such goods that are sold or otherwise disposed of within twelve months after importation are subject to the duties and taxes otherwise prescribed.</i> | Free | Free | Free |

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 32.

An Act to amend The Emergency Gold Mining Assistance Act.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Paragraph (*d*) of section 3A of *The Emergency Gold Mining Assistance Act*, chapter fifteen of the statutes of 1947-48, as enacted by section 2 of chapter 25 of the statutes of 1952, is repealed and the following substituted therefor:

"(*d*) the expression "rate of assistance" for a mine for any period during the designated years nineteen hundred and fifty-one and nineteen hundred and fifty-two means the amount that is fifty per cent of the amount by which the average cost of production of gold from the mine during the period exceeds twenty-two dollars, but not in any event exceeding eleven dollars and fifty cents; and the expression "rate of assistance" for a mine for any period during the designated year nineteen hundred and fifty-three means the amount that is fifty per cent of the amount by which the average cost of production of gold from the mine during the period exceeds eighteen dollars, but not in any event exceeding thirteen dollars and fifty cents; and"

"Rate of assistance".

2. This Part shall be deemed to have come into force on the 1st day of January, 1953.

Coming into force.

PART II.

3. Paragraph (*d*) of section 4 of the *Emergency Gold Mining Assistance Act*, chapter 95 of the Revised Statutes

of Canada, 1952, as amended by chapter 318 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“Rate of assistance”.

“(d) the expression “rate of assistance” for a mine for any period during the designated years 1951 and 1952 means the amount that is fifty per cent of the amount by which the average cost of production of gold from the mine during the period exceeds twenty-two dollars, but not in any event exceeding eleven dollars and fifty cents; and the expression “rate of assistance” for a mine for any period during the designated year 1953 means the amount that is fifty per cent of the amount by which the average cost of production of gold from the mine during the period exceeds eighteen dollars, but not in any event exceeding thirteen dollars and fifty cents; and”

Coming into force.

4. This Part shall come into force, and section 1 of this Act is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Repeal.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 33.

An Act to amend The Emergency Powers Act.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Section 4 of *The Emergency Powers Act*, chapter 5 of the statutes of 1951 (First Session), is repealed and the following substituted therefor:

“4. Sections one to three of this Act expire on the thirty-first day of May, one thousand nine hundred and fifty-four.”

Expiration
of sections
1 to 3.

PART II.

2. Section 4 of the *Emergency Powers Act*, chapter 96 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“4. Sections 1 to 3 expire on the 31st day of May, 1954.”

Expiration
of sections
1 to 3.

3. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Coming
into force.
Repeal.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 34.

An Act to amend The Excise Act, 1934.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Sections 2 and 3 of Part V of the Schedule to *The Excise Act, 1934*, chapter 52 of the statutes of 1934, are repealed and the following substituted therefor: Schedule amended.

“2. Cigarettes weighing not more than two and one-half pounds per thousand, four dollars per thousand.

“3. Cigarettes weighing more than two and one-half pounds per thousand, five dollars per thousand.”

2. This Part shall be deemed to have come into force on the 1st day of February, 1953. Coming into force.

PART II.

3. Sections 2 and 3 of Part V of the Schedule to the *Excise Act*, chapter 99 of the Revised Statutes of Canada, 1952, as amended by chapter 319 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor: Schedule amended.

“2. Cigarettes weighing not more than two and one-half pounds per thousand, four dollars per thousand.

“3. Cigarettes weighing more than two and one-half pounds per thousand, five dollars per thousand.”

4. This Part shall come into force, and section 1 of this Act is repealed, on the day the Revised Statutes of Canada, 1952, come into force. Coming into force.
Repeal.

1 - 2 ELIZABETH II.

CHAP. 35.

An Act to amend the Excise Tax Act.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Paragraph (f) of section 13 of the *Excise Tax Act*, chapter 179 of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"(f) "net premiums" means, in the case of a company "Net premiums"
transacting life insurance, the gross premiums received or receivable by the company other than the consideration for annuities, less premiums returned and less the cash value of the dividends paid or credited to policyholders; and, in the case of any other company, the gross premiums received or receivable by the company or paid or payable by the insured, less dividends paid or credited to policyholders and the rebates and return premiums paid on the cancellation of policies;"

2. Subsection (6) of section 14 of the said Act is repealed and the following substituted therefor:

"(6) Every company required to pay a tax under this section may deduct from the tax so payable in respect of net premiums received after the thirty-first day of December, 1946, the amount of any general tax of the same nature paid by it, or in the case of reinsurance, by the principal company, to the government of any province of Canada, in respect of such premiums for insurance covering persons resident or property situated in such province, such deduction not to exceed, however, the amount of the tax resulting from the application of the rates hereinbefore specified to the said net premiums. Deduction

Fraternal
benefit
society
insurance
premiums

(7) Premiums received by a company for insurance originally issued by a fraternal benefit society shall, for the purpose of this section, be deemed to be premiums received by a fraternal benefit society."

Returns.

3. Subsections (1), (2) and (3) of section 17 of the said Act are repealed and the following substituted therefor:

"17. (1) Every company or association to which section fourteen applies shall, on or before the first day of March in each year, make a return to the Superintendent in such form as the Minister may from time to time determine showing the net premiums received by the company or association in Canada during the twelve months ended on the last day of December preceding the date on which such return is filed, together with such other information as the Minister may deem necessary."

Penalty for
refusal or
neglect to
make returns
or pay taxes.

4. Subsection (1) of section 20 of the said Act is repealed and the following substituted therefor:

"20. (1) Every company to which section fourteen or section fifteen of this Act applies that refuses or neglects or whose chief agent or attorney, as the case may be, refuses or neglects to make any return as required by this Part is liable to a penalty of ten dollars for each and every day during which such refusal or neglect continues; and if any such company or its chief agent or attorney, as the case may be, refuses or neglects to pay some or all of the tax as required by this Part, the company is liable to a further penalty of interest on the amount unpaid at the rate of six per cent per annum from the first day of March in the year in which such amount is payable to the day of payment."

Refusal or
neglect to
make returns.

5. Section 21 of the said Act is repealed and the following substituted therefor:

"21. (1) Every person required by subsection one of section eighteen to make a return to the Minister who refuses or neglects to make the return as required by that subsection or refuses or neglects to pay some or all of the tax imposed by section sixteen as required by that section is liable to a penalty of five per cent of the amount of tax unpaid at the expiration of the time for filing the return together with interest on the amount unpaid at the rate of six per cent per annum from the first day of March in the year in which such amount is payable to the day of payment.

Penalty.

(2) Every person required by subsection two of section eighteen to make a return to the Minister who refuses or neglects to make the return as required by that subsection is liable to a penalty of ten dollars for each and every day during which such refusal or neglect continues."

6. Parts VI and VII of the said Act are repealed.

Repeal.

7. Subsection (5) of section 80 of the said Act is amended by adding thereto the following paragraph:

“(c) in the case of articles enumerated in section sixteen of Schedule I, be deemed to apply to any such goods that are wrapped, packaged, put up in boxes or otherwise prepared for sale, otherwise than in a retail store for the purpose of sale in such store.”

8. Paragraph (f) of subsection (1) of section 85 of the said Act is repealed and the following substituted therefor:

“(f) “producer or manufacturer” includes

“Producer or manufacturer”.

- (i) any printer, publisher, lithographer or engraver,
- (ii) any dresser or dyer of furs,
- (iii) any person who makes, repairs or remodels fur garments,
- (iv) any packer of olives,
- (v) any commercial artist, and
- (vi) any person who wraps, packages, puts up in boxes or otherwise prepares for sale any article enumerated in section sixteen of Schedule I, otherwise than in a retail store for the purpose of sale in such store.”

9. Subsection (4) of section 115 of the said Act is repealed and the following substituted therefor:

“(4) Notwithstanding the provisions of section one hundred and five relating to the time within which an application for a refund or deduction may be made, no refund or deduction shall be made under that section as the result of any declaration of the Tariff Board under this section or an order or judgment under section one hundred and sixteen in respect of taxes paid prior to such declaration, order or judgment unless the application mentioned in section one hundred and five is made within twelve months after such taxes were paid.

Refunds.

(5) An application to the Tariff Board for a declaration, or the entering of an appearance with the Secretary of the Tariff Board under subsection two of this section, shall, for the purposes of section one hundred and five, be deemed to be an application in writing.”

Application.

10. Section 5 of Schedule I to the said Act is repealed and the following substituted therefor:

“5. Cameras, camera lenses and unexposed photographic films and plates, except those sold for industrial or professional photographers' use; projectors for pictures except those sold for commercial, religious, or educational purposes. fifteen per cent.”

11. Section 6 of Schedule I to the said Act is repealed and the following substituted therefor:

- “6. (a) Phonographs, record playing devices, radio broadcasting receiving sets or any combination of the foregoing and tubes therefor; any apparatus or device that enables a person to hear programmes of music distributed by any means whatever or radio broadcasting programmes distributed by any means whatever; but this paragraph does not include any article coming within paragraph (b) of this section
.....fifteen per cent.
- (b) Television receiving sets and tubes therefor; any apparatus or device that enables a person to see, or to see and hear, television programmes distributed by any means whatever or television radio broadcasting programmes distributed by any means whatever.....fifteen per cent.”

12. Section 13 of Schedule I to the said Act is repealed and the following substituted therefor:

- “13. Tires and Tubes:—
- (a) Tires in whole or in part of rubber for self-propelled machines or automotive vehicles of all kinds, including trailers or other wheeled attachments used in connection with any of the said machines or vehicles.....fifteen per cent;
- (b) Inner tubes for use in any such tires.fifteen per cent;
- the tax on the articles enumerated in paragraphs (a) and (b) of this section does not apply to the goods mentioned therein
- (i) when used exclusively for the original equipment of such self-propelled machines, automotive vehicles, trailers or other wheeled attachments,
 - (ii) when used exclusively for replacement purposes on machinery designed for and used only for farm purposes, or
 - (iii) when designed and catalogued for farm machinery and used on farm trailers used exclusively for farm purposes.”

Repeal and substitution.

13. Schedule III to the said Act is repealed and the Schedule to this Act is substituted therefor.

Coming into force.

14. Sections 6, 7, 8, 10, 12 and 13 of this Act and the Schedule to this Act shall be deemed to have come into force on the 20th day of February, 1953, and section 11 of this Act shall be deemed to have come into force on the 1st day of April, 1953, and to have applied to all goods mentioned therein imported or taken out of warehouse for

consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

PART II.

15. Paragraph (f) of section 3 of the *Excise Tax Act*, chapter 100 of the Revised Statutes of Canada, 1952, as amended by chapter 320 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(f) “net premiums” means, in the case of a company “Net premiums”.
transacting life insurance, the gross premiums received or receivable by the company other than the consideration for annuities, less premiums returned and less the cash value of the dividends paid or credited to policyholders; and, in the case of any other company, the gross premiums received or receivable by the company or paid or payable by the insured, less dividends paid or credited to policyholders and the rebates and return premiums paid on the cancellation of policies;”

16. Subsection (5) of section 4 of the said Act is repealed and the following substituted therefor:

“(5) Every company required to pay a tax under this Deduction.
section may deduct from the tax so payable in respect of net premiums received after the 31st day of December, 1946, the amount of any general tax of the same nature paid by it, or in the case of reinsurance, by the principal company, to the government of any province of Canada, in respect of such premiums for insurance covering persons resident or property situated in such province, such deduction not to exceed, however, the amount of the tax resulting from the application of the rates hereinbefore specified to the said net premiums.

(6) Premiums received by a company for insurance originally issued by a fraternal benefit society shall, for the purpose of this section, be deemed to be premiums received by a fraternal benefit society.” Fraternal benefit society insurance premiums.

17. Subsections (1), (2) and (3) of section 7 of the said Returns.
Act are repealed and the following substituted therefor:

“7. (1) Every company or association to which section 4 applies shall, on or before the 1st day of March in each year, make a return to the Superintendent in such form as the Minister may from time to time determine showing the net premiums received by the company or association in Canada during the twelve months ended on the last day of

December preceding the date on which such return is filed, together with such other information as the Minister may deem necessary."

18. Subsection (1) of section 10 of the said Act is repealed and the following substituted therefor:

Penalty for
refusal or
neglect to
make returns
or pay taxes.

"**10.** (1) Every company to which section 4 or section 5 of this Act applies that refuses or neglects or whose chief agent or attorney, as the case may be, refuses or neglects to make any return as required by this Part is liable to a penalty of ten dollars for each and every day during which such refusal or neglect continues; and if any such company or its chief agent or attorney, as the case may be, refuses or neglects to pay some or all of the tax as required by this Part, the company is liable to a further penalty of interest on the amount unpaid at the rate of six per cent per annum from the 1st day of March in the year in which such amount is payable to the day of payment."

19. Section 11 of the said Act is repealed and the following substituted therefor:

Refusal or
neglect to
make returns.

"**11.** (1) Every person required by subsection (1) of section 8 to make a return to the Minister who refuses or neglects to make the return as required by that subsection or refuses or neglects to pay some or all of the tax imposed by section 6 as required by that section is liable to a penalty of five per cent of the amount of tax unpaid at the expiration of the time for filing the return together with interest on the amount unpaid at the rate of six per cent per annum from the 1st day of March in the year in which such amount is payable to the day of payment.

Penalty.

(2) Every person required by subsection (2) of section 8 to make a return to the Minister who refuses or neglects to make the return as required by that subsection is liable to a penalty of ten dollars for each and every day during which such refusal or neglect continues."

Repeal.

20. Parts II and III of the said Act are repealed.

21. Subsection (5) of section 23 of the said Act is amended by deleting the word "and" at the end of paragraph (a) thereof, by inserting the word "and" at the end of paragraph (b) thereof, and by adding thereto the following paragraph:

"(c) in the case of articles enumerated in section 16 of Schedule I, be deemed to apply to any such goods that are wrapped, packaged, put up in boxes or otherwise prepared for sale, otherwise than in a retail store for the purpose of sale in such store."

22. Paragraph (e) of subsection (1) of section 29 of the said Act is repealed and the following substituted therefor:

- “(e) “producer or manufacturer” includes
- (i) any printer, publisher, lithographer or engraver,
 - (ii) any dresser or dyer of furs,
 - (iii) any person who makes, repairs or remodels fur garments,
 - (iv) any packer of olives,
 - (v) any commercial artist, and
 - (vi) any person who wraps, packages, puts up in boxes or otherwise prepares for sale any article enumerated in section 16 of Schedule I, otherwise than in a retail store for the purpose of sale in such store; and”
- “Producer or manufacturer”.

23. Subsection (4) of section 57 of the said Act is repealed and the following substituted therefor:

“(4) Notwithstanding the provisions of section 46 relating to the time within which an application for a refund or deduction may be made, no refund or deduction shall be made under that section as the result of any declaration of the Tariff Board under this section or an order or judgment under section 58 in respect of taxes paid prior to such declaration, order or judgment unless the application mentioned in section 46 is made within twelve months after such taxes were paid.

Refunds

(5) An application to the Tariff Board for a declaration, or the entering of an appearance with the Secretary of the Tariff Board under subsection (2) of this section, shall, for the purposes of section 46, be deemed to be an application in writing.”

Application.

24. Section 5 of Schedule I to the said Act is repealed and the following substituted therefor:

“5. Cameras, camera lenses and unexposed photographic films and plates, except those sold for industrial or professional photographers’ use; projectors for pictures except those sold for commercial, religious, or educational purposes.....fifteen per cent.”

25. Section 6 of Schedule I to the said Act is repealed and the following substituted therefor:

“6. (a) Phonographs, record playing devices, radio broadcasting receiving sets or any combination of the foregoing and tubes therefor; any apparatus or device that enables a person to hear programmes of music distributed by any means whatever or radio broadcasting programmes distributed by any means whatever; but this paragraph does not include any article coming within paragraph (b) of this sectionfifteen per cent.”

(b) Television receiving sets and tubes therefor; any apparatus or device that enables a person to see, or to see and hear, television programmes distributed by any means whatever or television radio broadcasting programmes distributed by any means whatever.....fifteen per cent.”

26. Section 13 of Schedule I to the said Act is repealed and the following substituted therefor:

“13. Tires and Tubes:—

- (a) Tires in whole or in part of rubber for self-propelled machines or automotive vehicles of all kinds, including trailers or other wheeled attachments used in connection with any of the said machines or vehicles.....fifteen per cent;
- (b) Inner tubes for use in any such tires..... fifteen per cent;

the tax on the articles enumerated in paragraphs (a) and (b) of this section does not apply to the goods mentioned therein

- (i) when used exclusively for the original equipment of such self-propelled machines, automotive vehicles, trailers or other wheeled attachments,
- (ii) when used exclusively for replacement purposes on machinery designed for and used only for farm purposes, or
- (iii) when designed and catalogued for farm machinery and used on farm trailers used exclusively for farm purposes.”

Repeal and substitution.

27. Schedule III to the said Act is repealed and the Schedule to this Act is substituted therefor.

Coming into force.

28. This Part shall come into force, and sections 1 to 13 of this Act are repealed, on the day the Revised Statutes of Canada, 1952, come into force.

SCHEDULE.

SCHEDULE III.

FOODSTUFFS.

Barley; Bread; Butter; Cheese; Cream; Eggs, Egg albumen and Egg yolks; Glucose; Honey; Ice; Lactose; Lard; Rice; Salt; Shortening; Soups; Split Peas; Sugar; Yeast; Yogurt;

Bakers' cakes and pies including biscuits, cookies or other similar articles;

Cereal breakfast foods not including beverages;

Cooking oil and salad oils, not including mayonnaise or salad dressing;

Drinks prepared from milk or eggs;

Fish and edible products thereof;

Flour including pastry, cake, biscuit, and similar mixes;

Foods prepared and sold exclusively for feeding infants;

Fruit, fresh, canned, frozen, preserved, dried or evaporated;

Grain grits and meals;

Ice cream;

Jams, jellies, marmalades, and preserves;

Malt syrup, except when sold for beverage purposes;

Maple syrup; corn syrup; table syrups; molasses;

Meats and poultry, fresh, cooked, canned, frozen, smoked or dried;

Milk, including buttermilk, condensed milk, evaporated milk, and powdered milk;

Peanut butter;

Prepared whipping cream;

Spaghetti, macaroni and vermicelli;

Vegetables, fresh, canned, frozen or dehydrated, not including pickles, relishes, catsup, sauces, olives, horseradish, mustard, and similar goods;

Vegetable juices; fruit juices which consist of at least ninety-five per cent of pure juice of the fruit;

Materials to be used exclusively in the manufacture or production of the aforementioned foodstuffs;

FARM AND FOREST.

Bees; Casein; Fertilizer; Hay; Hops; Shorts; Straw;

Alfalfa meal;

Animals, living;

Baling twine or baling wire for baling farm produce, and articles and materials to be used or consumed exclusively in process of manufacture thereof;

Beet pulp, dried;

Drain tiles for agricultural purposes;

Farm produce sold by the individual farmer of his own production, not to include flowers, flowering plants or bulbs, when the sales thereof exceed five hundred dollars per annum;

Feeds for fur-bearing animals whose pelts have commercial value;

Forest products when produced and sold by the individual settler or farmer;

Friction disc sharpeners;

Furs, raw;

Gopher poison, and materials for use exclusively in its manufacture;

Grain or seed cleaning machines and complete parts therefor;

Grains and seeds in their natural state;

Harness for horses and complete parts therefor, and articles and materials to be used exclusively in the manufacture thereof; harness leather;

Hides, raw and salted;

Logs and round unmanufactured timber;

Milk albumen, when for use exclusively in the production of animal or poultry feeds;

Nursery stock;

Oil cake, oil cake meal;

Peat moss when used for agricultural purposes, including poultry litter;

Poultry, cattle and other stock feeds;

Poultry, living;

Preparations or chemicals sold for disinfecting, dipping or spraying and so used in agriculture or horticulture, and materials for use exclusively in the manufacture of such preparations;

Sap spouts and sap buckets, evaporators and complete parts therefor, when for use exclusively for the production of maple syrup;

Sawdust and wood shavings;

Settlers' effects;

Steel pens and complete parts thereof for farm animals, and articles and materials for use exclusively in the manufacture thereof;

Vegetable plants;

Wool not further prepared than washed;

Woollen rolls or wool yarn milled for a producer of wool from wool supplied by him for his own use;

ENGINES.

Internal combustion traction engines, and portable engines with boilers in combination, for farm purposes, or for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier, and accessories and complete parts of all the foregoing, and articles and materials, not to include plant equipment, to be used or consumed exclusively in the manufacture of the foregoing engines, boilers or parts thereof;

MINES AND QUARRIES.

Crushed stone or crushed gravel;
Gold and silver in ingots, blocks, bars, drops, sheets or plates unmanufactured;
Ores of all kinds;
Sand, gravel, rubble, and field stone;

MARINE AND FISHERIES.

Boats *bona fide* purchased by fishermen for use in the fisheries, and articles and materials to be used exclusively in the manufacture, equipment or repair of such boats;

Carrageen or Irish Moss;

Cotton duck and cotton sail twine to be used only in the manufacture of equipment for ships or vessels;

Rope and cordage of cotton, hemp, manila or other vegetable fibre, or nylon, for the fisheries, not including these articles for sportsmen's purposes, and materials for use only in the manufacture thereof;

Preservatives for use exclusively for treating fishing nets, ropes and lines;

Materials for use only in the construction, equipment and repair of ships;

Materials used as ingredients in canned fish;

Ships licensed to engage in the Canadian coasting trade;

Sinkers, and floats including trawl kegs, when for use exclusively in the fisheries, not including these articles for sportsmen's purposes;

CHARITABLE, HEALTH, ETC.

Adrenocorticotrophin (ACTH); Cortisone; Insulin; Radium;

Articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of National Health and Welfare, when purchased in good faith for use exclusively by the said hospital and not for resale;

Artificial eyes;

Donations of clothing and books for charitable purposes;

Liver extract for use exclusively in the treatment of anaemia;

Memorials or monuments erected in memory of members of the Armed Forces who lost their lives in the service of their country;

War Veterans' badges;

PRINTING AND EDUCATIONAL.

Bibles, missals, prayer books, psalm and hymn books, religious tracts, Sunday School lesson pictures, books, bound and unbound, pamphlets, booklets, leaflets, scripture, prayer, hymn and mass cards

and religious mottoes and pictures unframed, for the promotion of religion, and materials to be used exclusively in the manufacture thereof, but not including calendars, parish reports, forms, stationery or programmes;

Books, printed and bound, that contain no advertising and are solely for educational, technical, cultural or literary purposes, and materials to be used exclusively in the manufacture thereof, but not including directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums, books for writing or drawing upon, or any books similar to the foregoing exclusions;

College and school annuals; newspapers; magazines and literary papers unbound, regularly issued at stated intervals, not less frequently than four times yearly; and materials to be used exclusively in the manufacture thereof;

The Minister shall be the sole judge as to whether any printed material comes within any of the classes enumerated in any of the three foregoing paragraphs of this heading;

Manuscript;

Phonograph records authorized by the Department of Education of any province in Canada for instruction in the English and the French language, and materials to be used exclusively in the manufacture thereof;

Photographs, paintings, pastels, drawing and other art work and illustrations of all kinds, whether originals, copies or proofs, and printing plates made to reproduce the same, for use exclusively as non-advertising news pictures or for illustrating non-advertising articles or stories in periodical publications enjoying second-class mailing privileges, the pages of which are regularly bound, wire stitched or otherwise fastened together;

DIPLOMATIC.

Articles for the use of the Governor General;

Articles imported for the personal or official use of the Heads of Diplomatic Missions, High Commissioners representing other of Her Majesty's Governments, Counsellors, Secretaries and Attaches at Embassies, Legations, and offices of High Commissioners in Canada, Trade Commissioners, representing other of Her Majesty's Governments, Consuls General of Foreign Nations who are natives or citizens of the countries they represent and who are not engaged in any other business or profession; automobiles, cigars, cigarettes, manufactured tobacco, ale, beer, stout, wines, spirits, purchased in Canada by any of the foregoing;

CERTAIN BUILDING MATERIALS.

Bricks; building tile, building blocks and building stone;

Plaster; lime; cement;

Lumber; sash; doors; shingles; lath; siding; stairways;

Plaster boards, fibreboard, building paper and materials, other than wallpaper, manufactured wholly or in part of vegetable or mineral fibre for wall coverings or building insulation;

Paints, varnishes, white lead and paint oil;

Prepared roofings;

Shower baths, bath tubs, basins, faucets, closets, lavatories, sinks and laundry tubs, not including repair parts therefor, nor pipes and pipe fittings;

Cast iron soil pipe and cast iron fittings therefor;

Glass for buildings;

Furnaces, hot water and steam radiators not to include fittings, for the heating of buildings;

Locks and lock sets;

Structural steel to be used exclusively for the framework and support of buildings;

Articles and materials to be used exclusively in the manufacture or production of the aforementioned building materials;

COVERINGS.

Usual coverings to be used exclusively for covering goods not subject to the consumption or sales tax and materials to be used exclusively in the manufacture of such coverings;

FIRE BRICK, REFRACTORIES, ETC.

Fire brick, plastic refractories, high temperature cement, fire clay and other refractory materials for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment, and materials to be used or consumed exclusively in the manufacture of such fire brick or refractory materials;

PROCESSING MATERIALS.

Materials (not including lubricating oils) consumed or expended directly in the process of manufacture or production of goods;

MACHINERY AND APPARATUS TO BE USED IN MANUFACTURE OR PRODUCTION.

Machinery and apparatus, as defined by the Minister of National Revenue, and complete parts thereof which, in the opinion of the Minister are to be used directly in the process of manufacture or production of goods; this exemption does not apply to office equipment or motor vehicles, except diesel powered self-propelled trucks, mounted on rubber tired wheels, for off-highway use exclusively at mines or quarries, and complete parts thereof;

MISCELLANEOUS.

Articles and materials purchased or imported by a government of a country designated by the Governor in Council under Customs Tariff item 708, or purchased or imported by a Canadian government agency on behalf of such a government, for the construction, maintenance or operation of military or defence establishments in Canada and not intended for resale, gift or other disposition except as may be authorized by the Minister of National Revenue;

British and Canadian coins and foreign gold coin;

Electricity;

Fuel for lighting or heating, but not including fuel when for use in internal combustion engines; crude oil to be used in the production of fuel;

Natural gas and gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes;

Tires and tubes for use exclusively on the machinery enumerated in Customs Tariff item 411a;

GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS.

173, 209b, 352a, 364, 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, and complete parts thereof, 409j, 409k, 409q, 411a, 436, 437, 439c, 440k, 460, 476, 476a, 476b, 478, 480, 480a, 538, 663b, 666, 667, 682, 692, 692b, 693(i), 695a, 695b, 696, 696a, 697, 698, 699, 700, 701, 702, 703, 704, 708, 786, 848;

Articles and materials which enter into the cost of manufacture of the goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409k, 409o and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the aforesaid tariff items, under regulations prescribed by the Minister;

Articles and materials to be used exclusively in the manufacture of goods enumerated in Customs Tariff items 173, 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409q, 410b, 411, 411a, 411b, 439c, 440k, 476, 476a, 480, 480a, 538, 663, 663a, 663b, 666, 667, 696, 848;

Materials not to include plant equipment consumed in process of manufacture or production, which enter directly into the cost of goods enumerated in Customs Tariff items 406, 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409q, 410b, 411, 411a, 411b, 439c, 440k, 476, 476a, 480, 480a, 538, 663, 663a, 666, 667, 696.

1 - 2 ELIZABETH II.

CHAP. 36.

An Act to amend The Farm Improvement Loans Act, 1944.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Paragraph (d) of subsection (1) of section 3 of *The Farm Improvement Loans Act, 1944*, chapter 41 of the statutes of 1944-45, is repealed and the following substituted therefor:

“(d) the principal amount of the loan did not at the time of the making of the loan, together with the amount owing in respect of other guaranteed farm improvement loans previously made to the borrower and disclosed in his application, or of which the bank had knowledge, exceed the sum of four thousand dollars;”

Payment of
bank losses.

2. Sections 4 and 5 of the said Act are repealed and the following substituted therefor:

“4. (1) The Minister is not liable under this Act to pay to a bank, in respect of losses sustained by it as a result of farm improvement loans made by it during any of the periods set out in subsection two, a total amount in excess of ten per cent of the aggregate principal amount of the guaranteed farm improvement loans made by the bank during that period.

Limitation
of liability
in respect of
loans made
during loan
periods.

(2) The periods referred to in subsection one are as follows:

Loan
periods
defined.

(a) the period commencing on the first day of March, nineteen hundred and forty-five, and ending on the twenty-ninth day of February, nineteen hundred and forty-eight;

(b) the period commencing on the first day of March, nineteen hundred and forty-eight, and ending on the twenty-eighth day of February, nineteen hundred and fifty-one;

- (c) the period commencing on the first day of March, nineteen hundred and fifty-one, and ending on the thirty-first day of March, nineteen hundred and fifty-three; and
- (d) the period commencing on the first day of April, nineteen hundred and fifty-three, and ending on the thirty-first day of March, nineteen hundred and fifty-six.

Further
limitation
of liability.

"5. The Minister is not liable under this Act to make any payment to a bank in respect of loss sustained by it as a result of a farm improvement loan

- (a) made during the period commencing on the first day of March, nineteen hundred and fifty-one, and ending on the thirty-first day of March, nineteen hundred and fifty-three, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds two hundred million dollars;
- (b) made during the period commencing on the first day of April, nineteen hundred and fifty-three, and ending on the thirty-first day of March, nineteen hundred and fifty-six, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds three hundred million dollars; or
- (c) made after the thirty-first day of March, nineteen hundred and fifty-six."

PART II.

3. Paragraph (d) of subsection (1) of section 3 of the *Farm Improvement Loans Act*, chapter 110 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Payment of
bank losses.

"(d) the principal amount of the loan did not at the time of the making of the loan, together with the amount owing in respect of other guaranteed farm improvement loans previously made to the borrower and disclosed in his application, or of which the bank had knowledge, exceed the sum of four thousand dollars;"

4. Sections 4 and 5 of the said Act are repealed and the following substituted therefor:

Limitation
of liability
in respect
of loans made
during loan
periods.

"4. (1) The Minister is not liable under this Act to pay to a bank, in respect of losses sustained by it as a result of farm improvement loans made by it during any of the periods set out in subsection (2), a total amount in excess of ten per cent of the aggregate principal amount of the guaranteed farm improvement loans made by the bank during that period.

Loan
periods
defined.

- (2) The periods referred to in subsection (1) are as follows:
- (a) the period commencing on the 1st day of March, 1945, and ending on the 29th day of February, 1948;
 - (b) the period commencing on the 1st day of March, 1948, and ending on the 28th day of February, 1951;
 - (c) the period commencing on the 1st day of March, 1951, and ending on the 31st day of March, 1953; and
 - (d) the period commencing on the 1st day of April, 1953, and ending on the 31st day of March, 1956.

Further
limitation
of liability.

“5. The Minister is not liable under this Act to make any payment to a bank in respect of loss sustained by it as a result of a farm improvement loan

- (a) made during the period commencing on the 1st day of March, 1951, and ending on the 31st day of March, 1953, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds two hundred million dollars;
- (b) made during the period commencing on the 1st day of April, 1953, and ending on the 31st day of March, 1956, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds three hundred million dollars; or
- (c) made after the 31st day of March, 1956.”

Coming
into
force.
Repeal.

5. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 37.

An Act to amend The Fisheries Research Board Act.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Section 4 of *The Fisheries Research Board Act*, chapter 31 of the statutes of 1937, is repealed and the following substituted therefor:

“**4.** (1) The Board shall consist of a Chairman and not more than eighteen other members. Constitution of Board.

(2) A majority of the members of the Board, not including the Chairman, shall be scientists, and the remaining members of the Board shall be representative of the Department and the fishing industry.” Scientific members.

2. Section 5 of the said Act is repealed and the following substituted therefor:

“**5.** (1) The Chairman of the Board shall be appointed by the Governor in Council to hold office for such period, at such salary and upon such other terms and conditions as the Governor in Council may fix, and the other members of the Board shall be appointed by the Minister to hold office for a period of five years. Appointment.

(2) A member of the Board, upon the expiration of his term of office, is eligible for re-appointment. Condition of office.

(3) The Minister may appoint any person, or designate one of the members of the Board, to be Acting Chairman who may, if he is not a member of the public service, be paid such remuneration for serving as Acting Chairman as the Governor in Council may fix. Re-appointment.

(4) The Chairman is the chief executive officer of the Board and has supervision over and direction of the work of Acting Chairman.

the Board and of the persons appointed for the purpose of carrying out the work of the Board.

Powers of
Acting
Chairman.

(5) The Acting Chairman may exercise all the powers, duties and functions of Chairman during the absence, illness or other incapacity of the Chairman or during any vacancy in the office of Chairman."

Annual
meeting.

3. Section 7 of the said Act is repealed and the following substituted therefor:

"7. The Board shall meet annually at the city of Ottawa and at such other times and places as are necessary for the work of the Board."

4. Subsection (2) of section 9 and section 9A of the said Act are repealed.

PART II.

5. Section 4 of the *Fisheries Research Board Act*, chapter 121 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Constitution
of Board.

"4. (1) The Board shall consist of a Chairman and not more than eighteen other members.

Scientific
members.

(2) A majority of the members of the Board, not including the Chairman, shall be scientists, and the remaining members of the Board shall be representative of the Department and the fishing industry."

6. Section 5 of the said Act is repealed and the following substituted therefor:

Appointment.

"5. (1) The Chairman of the Board shall be appointed by the Governor in Council to hold office for such period, at such salary and upon such terms and conditions as the Governor in Council may fix, and the other members of the Board shall be appointed by the Minister to hold office for a period of five years.

Conditions of
office.

(2) A member of the Board, upon the expiration of his term of office, is eligible for re-appointment.

Re-
appointment.

Acting
Chairman.

(3) The Minister may appoint any person, or designate one of the members of the Board, to be Acting Chairman who may, if he is not a member of the public service, be paid such remuneration for serving as Acting Chairman as the Governor in Council may fix.

Powers of
Chairman.

(4) The Chairman is the chief executive officer of the Board and has supervision over and direction of the work of the Board and of the persons appointed for the purpose of carrying out the work of the Board.

Powers of
Acting
Chairman.

(5) The Acting Chairman may exercise all the powers, duties and functions of Chairman during the absence, illness or other incapacity of the Chairman or during any vacancy in the office of Chairman."

7. Section 7 of the said Act is repealed and the following substituted therefor:

"7. The Board shall meet annually at the city of Ottawa and at such other times and places as are necessary for the work of the Board." Annual meeting.

8. Subsection (2) of section 9 and section 10 of the said Act are repealed. Repeal

9. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force. Coming into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 38.

An Act respecting Food, Drugs, Cosmetics and Therapeutic Devices.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the *Food and Drugs Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | |
|--|----------------------------------|
| (a) “advertisement” includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device; | Definitions. “advertisement”. |
| (b) “analyst” means any person designated as a Food and Drug Analyst under subsection (2) of section 24; | “analyst”. |
| (c) “cosmetic” includes any substance or mixture of substances manufactured, sold or represented for use in cleansing, improving or altering the complexion, skin, hair or teeth, and includes deodorants and perfumes; | “cosmetic”. |
| (d) “department” means the Department of National Health and Welfare; | “department”. |
| (e) “device” means any instrument, apparatus or contrivance, including components, parts, and accessories thereof, manufactured, sold or represented for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal; | “device”. |
| (f) “drug” includes any substance or mixture of substances manufactured, sold or represented for use in | “drug”. |

- (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal,
 - (ii) restoring, correcting or modifying organic functions in man or animal, or
 - (iii) disinfection in premises in which food is manufactured, prepared or kept, or for the control of vermin in such premises;
- "food". (g) "food" includes any article manufactured, sold or represented for use as food or drink for man, chewing gum, and any ingredient that may be mixed with food for any purpose whatever;
- "inspector". (h) "inspector" means any person designated as a Food and Drug Inspector under subsection (2) of section 24;
- "label". (i) "label" includes any legend, word or mark attached to, included in, belonging to or accompanying any food, drug, cosmetic, device or package;
- "Minister". (j) "Minister" means the Minister of National Health and Welfare;
- "package". (k) "package" includes any thing in which any food, drug, cosmetic or device is wholly or partly contained, placed or packed;
- "prescribed". (l) "prescribed" means prescribed by the regulations;
- "sell". (m) "sell" includes sell, offer for sale, expose for sale, have in possession for sale, and distribute; and
- "unsanitary conditions". (n) "unsanitary conditions" means such conditions or circumstances as might contaminate a food, drug or cosmetic with dirt or filth or render the same injurious to health.

PART I.

FOODS, DRUGS, COSMETICS AND DEVICES.

General.

No food,
drug, etc.,
to be
advertised
or sold as a
treatment,
etc., for
certain
diseases.
Idem.

3. (1) No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A.

(2) No person shall sell any food, drug, cosmetic or device

(a) that is represented by label, or

(b) that he advertises to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in Schedule A.

Food.

4. No person shall sell an article of food that

- (a) has in or upon it any poisonous or harmful substance;
- (b) is unfit for human consumption;
- (c) consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;
- (d) is adulterated; or
- (e) was manufactured, prepared, preserved, packaged or stored under unsanitary conditions.

Prohibited
sales of food.

5. (1) No person shall label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Deception.

(2) An article of food that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

Idem.

6. Where a standard has been prescribed for a food, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such food, unless the article complies with the prescribed standard.

Where
standard
prescriber.

7. No person shall manufacture, prepare, preserve, package or store for sale any food under unsanitary conditions.

Manufacture
of food under
unsanitary
conditions.

Drugs.

8. No person shall sell any drug that

- (a) was manufactured, prepared, preserved, packed or stored under unsanitary conditions; or
- (b) is adulterated.

Prohibited
sales of
drugs.

9. (1) No person shall label, package, treat, process, sell or advertise any drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Deception.

(2) A drug that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

Idem.

Where
standard
prescribed.

10. (1) Where a standard has been prescribed for a drug, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with the prescribed standard.

Trade
standards.

(2) Where a standard has not been prescribed for a drug, but a standard for the drug is contained in any publication mentioned in Schedule B, no person shall label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with such standard.

Professed
standards.

(3) Where a standard for a drug has not been prescribed and no standard for the drug is contained in any publication mentioned in Schedule B, no person shall sell such drug, unless

(a) it is in accordance with the professed standard under which it is sold, and

(b) it does not resemble, in a manner likely to deceive, any drug for which a standard has been prescribed or is contained in any publication mentioned in Schedule B.

Manufacture
of drug under
unsanitary
conditions.

11. No person shall manufacture, prepare, preserve, package or store for sale any drug under unsanitary conditions.

Sale of
certain drugs
prohibited
unless safe
conditions.

12. No person shall sell any drug described in Schedule C or D unless the Minister has, in prescribed form and manner, indicated that the premises in which the drug was manufactured and the process and conditions of manufacture therein are suitable to ensure that the drug will not be unsafe for use.

Idem.

13. No person shall sell any drug described in Schedule E unless the Minister has, in prescribed form and manner, indicated that the batch from which the drug was taken is not unsafe for use.

Distribution
of samples
prohibited.

14. (1) No person shall distribute or cause to be distributed any drug as a sample.

Exception.

(2) Subsection (1) does not apply to the distribution of samples of drugs by mail or otherwise to physicians, dentists or veterinary surgeons or to the distribution of drugs, other than those mentioned in Schedule F, to registered pharmacists for individual redistribution to adults only or to a distributor in compliance with individual requests.

Cosmetics.

Prohibited
sales of
cosmetics.

15. No person shall sell any cosmetic that
(a) has in or upon it any substance that may cause

injury to the health of the user when the cosmetic is used,

- (i) according to the directions on the label or accompanying such cosmetic, or
 - (ii) for such purposes and by such methods of use as are customary or usual therefor;
- (b) consists in whole or in part of any filthy or decomposed substance or of any foreign matter; or
- (c) was manufactured, prepared, preserved, packed or stored under unsanitary conditions.

16. Where a standard has been prescribed for a cosmetic, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such cosmetic, unless the article complies with the prescribed standard. Where standard prescribed.

17. No person shall manufacture, prepare, preserve, package or store for sale any cosmetic under unsanitary conditions. Manufacture under unsanitary conditions.

Devices.

18. No person shall sell any device that, when used according to directions or under such conditions as are customary or usual, may cause injury to the health of the purchaser or user thereof. Prohibited sales of devices.

19. (1) No person shall label, package, treat, process, sell or advertise any device in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, composition, merit or safety. Deception.

(2) A device that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1). Idem.

20. Where a standard has been prescribed for a device, no person shall label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such device, unless the article complies with the prescribed standard. Where standard prescribed.

PART II.

ADMINISTRATION AND ENFORCEMENT.

Powers of Inspectors.

21. (1) An inspector may at any reasonable time Powers of inspectors.

(a) enter any place where on reasonable grounds he believes any article to which this Act or the regulations

apply is manufactured, prepared, preserved, packaged or stored, examine any such article and take samples thereof, and examine anything that he reasonably believes is used or capable of being used for such manufacture, preparation, preservation, packaging or storing;

(b) open and examine any receptacle or package that on reasonable grounds he believes contains any article to which this Act or the regulations apply;

(c) examine any books, documents or other records found in any place mentioned in paragraph (a) that on reasonable grounds he believes contain any information relevant to the enforcement of this Act with respect to any article to which this Act or the regulations apply and make copies thereof or extracts therefrom; and

(d) seize and detain for such time as may be necessary any article by means of or in relation to which he reasonably believes any provision of this Act or the regulations have been violated.

Definition.

(2) For the purposes of subsection (1), the expression "article to which this Act or the regulations apply" includes

(a) any food, drug, cosmetic or device,

(b) anything used for the manufacture, preparation, preservation, packaging or storing thereof, and

(c) any labelling or advertising material.

Inspector to show certificate of appointment.

(3) An inspector shall be furnished with a prescribed certificate of designation and on entering any place pursuant to subsection (1) shall if so required produce the certificate to the person in charge thereof.

Owner to give assistance to inspector.

(4) The owner or person in charge of a place entered by an inspector pursuant to subsection (1) and every person found therein shall give the inspector all reasonable assistance in his power and furnish him with such information as he may reasonably require.

Obstructing inspector.

(5) No person shall obstruct an inspector in the carrying out of his duties under this Act or the regulations.

False statements.

(6) No person shall knowingly make any false or misleading statement either verbally or in writing to any inspector engaged in carrying out his duties under this Act or the regulations.

Interference with articles seized.

(7) No person shall remove, alter or interfere in any way with any article seized under this Act without the authority of an inspector.

Storing of seized articles.

(8) Any article seized under this Act may at the option of an inspector be kept or stored in the building or place where it was seized or may at the direction of an inspector be removed to any other proper place.

Forfeiture.

22. (1) An inspector shall release any article seized by him under this Act when he is satisfied that all the provisions of this Act and the regulations with respect thereto have been complied with. Release of seized articles.

(2) Where an inspector has seized an article under this Act and the owner thereof or the person in whose possession the article was at the time of seizure consents to the destruction thereof, the article is thereupon forfeited to Her Majesty and may be destroyed or otherwise disposed of as the Minister may direct. Destruction with consent.

(3) Where a person has been convicted of a violation of this Act or the regulations, the court or judge may order that any article by means of or in relation to which the offence was committed or anything of a similar nature belonging to or in the possession of the accused or found with such article, be forfeited, and upon such order being made, such articles and things are forfeited to Her Majesty and may be disposed of as the Minister may direct. Forfeiture upon conviction.

(4) Without prejudice to the operation of subsection (3), a judge of a superior, county or district court of the province in which any article was seized under this Act may, on the application of an inspector and on such notice to such persons as the judge directs, order that the article and anything of a similar nature found therewith be forfeited to Her Majesty to be disposed of as the Minister may direct, if the judge finds, after making such inquiry as he considers necessary, that the article is one by means of or in relation to which any of the provisions of this Act or the regulations were violated. Order for forfeiture.

Analysis.

23. (1) An inspector may submit any article seized by him or any sample therefrom or any sample taken by him to an analyst for analysis or examination. Analysis.

(2) Where an analyst has made an analysis or examination he may issue a certificate or report setting forth the results of his examination or analysis. Report.

Regulations.

24. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, in particular, but not so as to restrict the generality of the foregoing, may make regulations Regulations.

(a) declaring that any food or drug or class of food or drugs is adulterated if any prescribed substance or

class of substances is present therein or has been added thereto or extracted or omitted therefrom;

(b) respecting

(i) the labelling and packaging and the offering, exposing and advertising for sale of food, drugs, cosmetics and devices,

(ii) the size, dimensions, fill and other specifications of packages of food, drugs, cosmetics and devices,

(iii) the sale or the condition of sale of any food, drug, cosmetic or device, and

(iv) the use of any substance as an ingredient in any food, drug, cosmetic or device,

to prevent the consumer or purchaser thereof from being deceived or misled as to its quantity, character, value, composition, merit or safety or to prevent injury to the health of the consumer or purchaser;

(c) prescribing standards of composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;

(d) respecting the importation of foods, drugs, cosmetics and devices in order to ensure compliance with this Act and the regulations;

(e) respecting the method of preparation, manufacture, preserving, packing, storing and testing of any food, drug, cosmetic or device in the interest of, or for the prevention of injury to, the health of the consumer or purchaser;

(f) requiring persons who sell food, drugs, cosmetics or devices to maintain such books and records as the Governor in Council considers necessary for the proper enforcement and administration of this Act and the regulations;

(g) respecting the form and manner of the Minister's indication under section 12, including the fees payable therefor, and prescribing what premises or what processes or conditions of manufacture, including qualifications of technical staff, shall or shall not be deemed to be suitable for the purposes of that section;

(h) requiring manufacturers of any drugs described in Schedule E to submit test portions of any batch of such drugs and respecting the form and manner of the Minister's indication under section 13, including the fees payable therefor;

(i) not inconsistent with this Act, respecting the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of articles;

(j) exempting any food, drug, cosmetic or device from all or any of the provisions of this Act and prescribing the conditions of such exemption;

(*k*) prescribing forms for the purposes of this Act and the regulations;

(*l*) providing for the analysis of food, drugs or cosmetics other than for the purposes of this Act and prescribing a tariff of fees to be paid for such analysis; and

(*m*) adding anything to any of the Schedules, in the interest of, or for the prevention of injury to, the health of the consumer or purchaser, or deleting anything therefrom.

(2) The Governor in Council may designate as an analyst or inspector any person on the staff of the department for such time as that person is employed in the department or for such time during the period of such employment as he may direct. Analysts and inspectors.

Penalties.

25. Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable Penalties.

(*a*) on summary conviction for a first offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and for a subsequent offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment; and

(*b*) on conviction upon indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

26. A prosecution under paragraph (*a*) of section 25 may be instituted at any time within twelve months from the time the subject-matter of the prosecution arose. Time-limit.

27. A prosecution for a violation of this Act or the regulations may be instituted, heard, tried or determined in the place in which the offence was committed or the subject-matter of the prosecution arose or in any place in which the accused is apprehended or happens to be. Venue.

28. (1) Subject to subsection (2), in a prosecution for the sale of any article in contravention of this Act or the regulations, if the accused proves to the satisfaction of the court or judge that Want of knowledge.

(*a*) he purchased the article from another person in packaged form and sold it in the same package and in the same condition the article was in at the time he purchased it, and

(b) that he could not with reasonable diligence have ascertained that the sale of the article would be in contravention of this Act or the regulations, the accused shall be acquitted.

Notice.

(2) Subsection (1) does not apply in any prosecution unless the accused, at least ten days before the day fixed for the trial, has given to the prosecutor notice in writing that he intends to avail himself of the provisions of subsection (1) and has disclosed to the prosecutor the name and address of the person from whom he purchased the article and the date of purchase.

Evidence.

Certificates of analysis.

29. (1) A certificate of an analyst stating that he has analyzed or examined an article or a sample submitted to him by an inspector and stating the result of his examination is admissible in evidence in a prosecution for a violation of this Act or the regulations, and is *prima facie* proof of the statements contained in the certificate the party against whom it is produced may require the attendance of the analyst for the purpose of cross-examination; but no such certificate shall be received in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of such intention together with a copy of the certificate.

Name of manufacturer.

(2) Proof that a package containing any article to which this Act or the regulations apply bore a name or address purporting to be the name or address of the person by whom it was manufactured or packaged is *prima facie* proof, in a prosecution for a violation of this Act or the regulations, that the article was manufactured or packaged, as the case may be, by the person whose name or address appeared on the package.

Offence by employees.

(3) In a prosecution for a violation of this Act or the regulations it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not he is identified or has been prosecuted for the offence.

Copies of records.

(4) In a prosecution for a violation of this Act or the regulations a copy of a record or an extract therefrom certified to be a true copy by the inspector who made it pursuant to paragraph (c) of subsection (1) of section 21 is receivable in evidence and is *prima facie* proof of the contents thereof.

Possession of adulterating substances.

(5) Where a person is prosecuted under this Act for having manufactured an adulterated food or drug for sale, and it is established that

(a) the food or drug has by regulation been declared to be adulterated if any prescribed substance has been added thereto, and

(b) such person had in his possession or on his premises any such prescribed substance,

the onus of proving that the food or drug was not adulterated by the addition of such substance lies on the accused.

Exports.

30. This Act does not apply to any packaged food, drug, cosmetic or device, not manufactured for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word "Export", and a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in prescribed form and manner. Exports.

Coming into Force and Repeal.

31. (1) This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force.

(2) If this Act comes into force before the day on which the Revised Statutes of Canada, 1952, come into force, then the *Food and Drugs Act*, chapter 76 of the Revised Statutes of Canada, 1927, is repealed on the day this Act comes into force and the *Food and Drugs Act*, chapter 123 of the Revised Statutes of Canada, 1952, is repealed on the day the Revised Statutes of Canada, 1952, come into force. Repeal.

(3) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952, come into force, then the *Food and Drugs Act*, chapter 123 of the Revised Statutes of Canada, 1952, is repealed on the day this Act comes into force. Idem.

SCHEDULE A.

Alcoholism
Appendicitis
Arteriosclerosis
Blood Poisoning
Bright's Disease
Cancer
Diabetes
Diphtheria
Disorders of menstrual flow
Disorders of the prostatic gland
Dropsy
Epilepsy
Erysipelas
Gallstones, Kidney Stones, Bladder Stones
Gangrene
Goitre
Heart Diseases
High Blood Pressure
Infantile Paralysis
Influenza
Lockjaw
Locomotor Ataxia
Obesity
Pleurisy
Pneumonia
Ruptures
Scarlet Fever
Sexual Impotence
Small Pox
Spinal Meningitis
Trachoma
Tuberculosis
Tumours
Typhoid Fever
Ulcers of the gastro-intestinal tract
Venereal Diseases

SCHEDULE B.

Pharmacopoea Internationalis
The British Pharmacopoeia
Pharmacopœia of the United States
Codex Français
The Canadian Formulary
The British Pharmaceutical Codex
The National Formulary
New and Nonofficial Remedies

SCHEDULE C.

Liver extract injectable
Liver extract injectable with other medication
Liver extract injectable crude
Liver extract injectable crude with other medication
Insulin
Insulin made from zinc-insulin crystals
Protamine zinc insulin
Globin insulin with zinc
NPH Insulin
Anterior pituitary extracts
Radioactive isotopes

SCHEDULE D.

Living vaccines for oral or parenteral use
Drugs prepared from micro-organisms or viruses for parenteral use
Sera and drugs analogous thereto for parenteral use
Antibiotics for parenteral use

SCHEDULE E.

Arsphenamine
Dichlorophenarsine Hydrochloride
Neoarsphenamine
Oxophenarsine Hydrochloride
Sulpharsphenamine

SCHEDULE F.

Adrenocorticotrophic Hormone (ACTH)
Aminopyrine and any salt, homologue, or derivative thereof
Amphetamine and any salt thereof
Aureomycin and any salt or derivative thereof
Barbituric acid and any salt, homologue, or derivative thereof
Chloramphenicol
Cinchophen and Neocinchophen
Cortisone
Dihydrostreptomycin and any compound thereof
2, 4-dinitrophenol and any compound, homologue, or derivative thereof
Methamphetamine and any salt thereof
Penicillin, its salts or derivatives, or preparations thereof, excluding preparations for oral use that contain not more than 3,000 International Units per dose
Phenytoin Sodium
Selenium and any compound thereof
Streptomycin and any compound thereof
Sulphonamides and any salt, homologue, or derivative thereof
Terramycin and any compound thereof
Tetraethylthiuram disulphide
Thiouracil and any homologue, or derivative thereof
Thyroid
Thyroxin and any salt thereof
Urethane

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 39.

An Act to establish the Historic Sites and Monuments Board of Canada.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Historic Sites and Monuments Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | |
|---|--------------------------|
| (a) "Board" means the Historic Sites and Monuments Board of Canada established by this Act; | Definitions. "Board". |
| (b) "historic place" means a site, building or other place of national historic interest or significance; and | "Historic place". |
| (c) "Minister" means the Minister of Resources and Development. | "Minister". |

COMMEMORATION OF HISTORIC SITES.

3. The Minister may
- | | |
|---|---------------------|
| (a) by means of plaques or other signs or in any other suitable manner, mark or otherwise commemorate historic places; | Powers of Minister. |
| (b) make agreements with any persons for marking or commemorating historic places pursuant to this Act and for the care and preservation of any places so marked or commemorated; | |
| (c) with the approval of the Governor in Council, establish historic museums; | |

- (d) with the approval of the Treasury Board, acquire on behalf of Her Majesty in right of Canada any historic places, or lands for historic museums, or any interest therein, by purchase, lease or otherwise; and
- (e) provide for the administration, preservation and maintenance of any historic places acquired or historic museums established pursuant to this Act.

HISTORIC SITES AND MONUMENTS BOARD.

Board
established.

4. (1) A Board to be called the Historic Sites and Monuments Board of Canada is hereby established, consisting of twelve members as follows:

- (a) the Dominion Archivist,
- (b) the Chief Curator of the National Museum of Canada, and
- (c) one representative for each of the ten provinces of Canada, to be appointed by the Governor in Council.

Eligibility
of appointed
members.

(2) A person is not eligible to be appointed or to continue as a representative for a province unless he resides in that province.

Tenure of
office of
appointed
members.

(3) A member appointed by the Governor in Council holds office during pleasure for such period not exceeding five years as may be fixed by the Governor in Council.

Reappoint-
ment.

(4) A retiring member of the Board is eligible for re-appointment.

Chairman.

(5) The Governor in Council shall designate one of the members of the Board to be the Chairman thereof.

Meetings.

(6) The Board shall meet at least once in every calendar year at the call of the Chairman, but the time and place of each such meeting is subject to the approval of the Minister; and, in addition, the Board shall hold such other meetings at such times and places as the Minister may require.

Quorum.

(7) Seven members constitute a quorum.

Secretary
and other
staff.

(8) The Minister may

- (a) designate an officer of the Department of Resources and Development to be the Secretary of the Board, or
- (b) appoint a Secretary of the Board at such remuneration and under such terms or conditions of employment as may be prescribed by the Governor in Council,

and may from among the persons employed in that Department provide the Board with such other employees or assistants as are necessary for the proper conduct of the business of the Board.

Powers and
duties of
Board.

5. The Board may receive and consider recommendations respecting the marking or commemoration of historic places, the establishment of historic museums and the administration, preservation and maintenance of historic places and

historic museums, and shall advise the Minister in carrying out his powers under this Act.

6. (1) Each member of the Board appointed by the Governor in Council may be paid, for each meeting of the Board that he attends, a fee to be fixed by the Governor in Council. Fee for appointed members.

(2) Members of the Board are entitled to be paid their actual travelling and living expenses necessarily incurred in connection with the business of the Board. Expenses of members.

7. All expenditures for the purpose of this Act shall be paid out of moneys appropriated by Parliament therefor. Expenditures.

8. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect. Regulations.

9. (1) As soon as practicable after the end of each calendar year the Board shall submit to the Minister a report of its proceedings for the calendar year in such form as the Minister may prescribe. Annual report.

(2) In addition to the report required by subsection (1), the Board shall furnish to the Minister such other statements or reports in respect of its activities, at such time and in such manner, as the Minister may require. Further reports.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1-2 ELIZABETH II.

CHAP. 40.

An Act to amend The Income Tax Act.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. (1) Paragraph (g) of section 6 of *The Income Tax Act*, chapter 52 of the statutes of 1947-48, is repealed and the following substituted therefor,:

“(g) amounts received by the taxpayer in the year as premiums paid by a corporation on the redemption before April 30, 1953 of any of its shares,”

Premium on redemption of shares.

(2) This section is applicable to the 1949 and subsequent taxation years.

2. (1) Section 10 of the said Act is amended by adding the following subsection thereto:

“(3) Where an elected officer of an incorporated municipality has been paid by the municipal corporation an amount as an allowance in a taxation year for expenses incident to the discharge of his duties as an elected officer of the corporation, the allowance shall not be included in computing his income for the year unless it exceeds one-half of the amount that was paid to him in the year by the municipal corporation as salary or other remuneration as an elected officer of the corporation, in which event there shall be included in computing his income for the year only the amount by which the allowance exceeds one-half of the amount so paid to him by way of salary or remuneration.”

Municipal officers expense allowance.

(2) This section is applicable to the 1949 and subsequent taxation years.

(3) Subsection (3) of section 10 of *The Income Tax Act* as enacted by subsection (1) of this section is applicable *mutatis mutandis* in the computation of the income of an

elected officer of an incorporated municipality under the *Income War Tax Act* for the 1946 and subsequent taxation years.

3. (1) Paragraph (*fa*) of subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

Employer's
contribution
to pension
funds.

"(*fa*) where an approved superannuation fund or plan contains a provision under which the taxpayer may provide superannuation or pension benefits for an employee, officer or director of the taxpayer by making a lump sum payment to or under the fund or plan in the year in which the employee, officer or director becomes eligible to retire or retires from the employment or office, an amount paid by the taxpayer in the year or within 60 days from the end of the year pursuant thereto as the lump sum in respect of an employee, officer or director who so became eligible to retire or retired in the year (except to the extent that it is deductible under paragraph (*f*)),"

(2) This section is applicable to the 1952 and subsequent taxation years.

Repeal.

4. (1) Subsection (1) of section 12 of the said Act is amended by inserting the word "or" at the end of paragraph (*f*) thereof and by repealing paragraph (*g*) thereof.

(2) This section is applicable to the 1953 and subsequent taxation years.

5. (1) The said Act is further amended by adding the following section thereto immediately after section 19 thereof:

Interest
on bonds.

"19A. Where, by virtue of an assignment or other transfer of a bond, debenture or similar security (other than an income bond or an income debenture), the transferee has become entitled to interest in respect of a period commencing before the time of transfer and ending after that time that is not payable until after the time of transfer, an amount equal to that proportion of the interest that the number of days in the portion of the period that preceded the day of transfer is of the number of days in the whole period

(*a*) shall be included in computing the transferor's income for the taxation year in which the transfer was made, and

(*b*) may be deducted in computing the transferee's income for a taxation year in the computation of which there has been included

(i) the full amount of the interest under section 6, or

(ii) a portion of the interest under paragraph (a) of this section."

(2) This section is applicable to the 1952 and subsequent taxation years.

6. (1) Subsection (2) of section 21 of the said Act is repealed and the following substituted therefor:

"(2) Where a person has received remuneration as an employee of his spouse, the amount thereof shall not be deducted in computing the spouse's income and shall not be included in computing the employee's income." Husband and wife.

(2) This section is applicable to the 1953 and subsequent taxation years.

7. (1) Subparagraph (ii) of paragraph (a) of subsection (1) of section 25 of the said Act is amended by deleting the word "or" at the end of clause (A) thereof, by inserting the word "or" at the end of clause (B) thereof and by adding the following clause thereto: Dependent children.

"(C) 21 years of age or over and in full-time attendance at a school or university,"

(2) Paragraph (c) of the said subsection (1) is amended by deleting the word "or" at the end of subparagraph (i) thereof, by inserting the word "or" at the end of subparagraph (ii) thereof and by adding the following subparagraph thereto:

"(iii) 21 years of age or over and in full-time attendance at a school or university,"

(3) This section is applicable to the 1953 and subsequent taxation years.

8. (1) All that portion of paragraph (b) of subsection (1) of section 26 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

"(b) an amount equal to that portion of medical expenses in excess of 3% of the taxpayer's income for the year paid either by the taxpayer or his legal representatives" Medical expenses.

(2) Section 26 is further amended by adding the following subsection thereto:

"(4) For the purpose of paragraph (b) of subsection (1), where medical expenses became payable by a taxpayer or his legal representatives during a period of 12 months referred to in subparagraph (i) or (ii) thereof and were paid after that period on behalf of the taxpayer or his legal representatives pursuant to a contract of insurance in respect of medical expenses for which insurance the taxpayer had paid premiums or other consideration, the expenses may be deemed to have been paid when they became payable." Idem.

(3) Subsection (1) is applicable to the 1953 and subsequent taxation years and subsection (2) is applicable to the 1952 and subsequent taxation years.

9. (1) Section 27 of the said Act is amended by adding the following subsections thereto immediately after subsection (1H) thereof:

Dividends
received
by a
corporation

“(1J) Where two corporations have, from May 10, 1950, or earlier, to the time of the acquisition hereinafter referred to,

(a) been subsidiary wholly-owned corporations, and

(b) been subsidiary to the same corporation, and one of them (hereinafter in this subsection referred to as the ‘receiving corporation’) has acquired control of the other (hereinafter in this subsection referred to as the ‘payer corporation’) by the purchase from the corporation to which they were subsidiary of shares of the capital stock of the payer corporation for a consideration not exceeding

(c) in the case of shares that had a par value, the par value thereof, and

(d) in the case of shares that had no par value, the proportion of the paid-up capital of the payer corporation with respect to the class of shares to which the shares so acquired belong that the number of shares so acquired is of the number of issued shares in the class, subsection (1A) is not applicable to a dividend paid by the payer corporation to the receiving corporation.

Idem.

(1K) For the purpose of this section dividends paid by a payer corporation in the control period before the control was acquired shall be deemed to have been paid out of the designated surplus.”

(2) Paragraph (b) of subsection (3) of the said section 27 is repealed and the following substituted therefor:

“(b) the corporation did not, at the time the dividend was received, own more than 5% of any class of the issued share capital of the corporation from which the dividend was received.”

(3) Subsection (1J) of the said section 27 as enacted by subsection (1) is applicable to dividends paid after March 1953; and subsection (1K) of the said section 27 as enacted by subsection (1) is applicable, where the receiving corporation acquired control of the payer corporation after May 10, 1950, to the 1950 and subsequent taxation years.

10. (1) Paragraphs (a) to (p) of subsection (1) of section 31 of the said Act are repealed and the following substituted therefor:

Rates.

“(a) 15% of the amount taxable if the amount taxable does not exceed \$1,000,

- (b) \$150 plus 17% of the amount by which the amount taxable exceeds \$1,000 if the amount taxable exceeds \$1,000 and does not exceed \$2,000,
- (c) \$320 plus 19% of the amount by which the amount taxable exceeds \$2,000 if the amount taxable exceeds \$2,000 and does not exceed \$4,000,
- (d) \$700 plus 22% of the amount by which the amount taxable exceeds \$4,000 if the amount taxable exceeds \$4,000 and does not exceed \$6,000,
- (e) \$1,140 plus 26% of the amount by which the amount taxable exceeds \$6,000 if the amount taxable exceeds \$6,000 and does not exceed \$8,000,
- (f) \$1,660 plus 30% of the amount by which the amount taxable exceeds \$8,000 if the amount taxable exceeds \$8,000 and does not exceed \$10,000,
- (g) \$2,260 plus 35% of the amount by which the amount taxable exceeds \$10,000 if the amount taxable exceeds \$10,000 and does not exceed \$12,000,
- (h) \$2,960 plus 40% of the amount by which the amount taxable exceeds \$12,000 if the amount taxable exceeds \$12,000 and does not exceed \$15,000,
- (i) \$4,160 plus 45% of the amount by which the amount taxable exceeds \$15,000 if the amount taxable exceeds \$15,000 and does not exceed \$25,000,
- (j) \$8,660 plus 50% of the amount by which the amount taxable exceeds \$25,000 if the amount taxable exceeds \$25,000 and does not exceed \$40,000,
- (k) \$16,160 plus 55% of the amount by which the amount taxable exceeds \$40,000 if the amount taxable exceeds \$40,000 and does not exceed \$60,000,
- (l) \$27,160 plus 60% of the amount by which the amount taxable exceeds \$60,000 if the amount taxable exceeds \$60,000 and does not exceed \$90,000,
- (m) \$45,160 plus 65% of the amount by which the amount taxable exceeds \$90,000 if the amount taxable exceeds \$90,000 and does not exceed \$125,000,
- (n) \$67,910 plus 70% of the amount by which the amount taxable exceeds \$125,000 if the amount taxable exceeds \$125,000 and does not exceed \$225,000,
- (o) \$137,910 plus 75% of the amount by which the amount taxable exceeds \$225,000 if the amount taxable exceeds \$225,000 and does not exceed \$400,000,
- (p) \$269,160 plus 80% of the amount by which the amount taxable exceeds \$400,000 if the amount taxable exceeds \$400,000."

(2) Subsection (1) is applicable to the 1953 and subsequent taxation years, except that for the 1953 taxation year paragraphs (a) to (p) of subsection (1) of the said section 31 shall be read as follows:

Rates for
1953.

- (a) 16% of the amount taxable if the amount taxable does not exceed \$1,000,
- (b) \$160 plus 18% of the amount by which the amount taxable exceeds \$1,000 if the amount taxable exceeds \$1,000 and does not exceed \$2,000,
- (c) \$340 plus 20·5% of the amount by which the amount taxable exceeds \$2,000 if the amount taxable exceeds \$2,000 and does not exceed \$4,000,
- (d) \$750 plus 23·5% of the amount by which the amount taxable exceeds \$4,000 if the amount taxable exceeds \$4,000 and does not exceed \$6,000,
- (e) \$1,220 plus 28% of the amount by which the amount taxable exceeds \$6,000 if the amount taxable exceeds \$6,000 and does not exceed \$8,000,
- (f) \$1,780 plus 32·5% of the amount by which the amount taxable exceeds \$8,000 if the amount taxable exceeds \$8,000 and does not exceed \$10,000,
- (g) \$2,430 plus 37·5% of the amount by which the amount taxable exceeds \$10,000 if the amount taxable exceeds \$10,000 and does not exceed \$12,000,
- (h) \$3,180 plus 42·5% of the amount by which the amount taxable exceeds \$12,000 if the amount taxable exceeds \$12,000 and does not exceed \$15,000,
- (i) \$4,455 plus 47·5% of the amount by which the amount taxable exceeds \$15,000 if the amount taxable exceeds \$15,000 and does not exceed \$25,000,
- (j) \$9,205 plus 52·5% of the amount by which the amount taxable exceeds \$25,000 if the amount taxable exceeds \$25,000 and does not exceed \$35,000,
- (k) \$14,455 plus 55% of the amount by which the amount taxable exceeds \$35,000 if the amount taxable exceeds \$35,000 and does not exceed \$40,000,
- (l) \$17,205 plus 57·5% of the amount by which the amount taxable exceeds \$40,000 if the amount taxable exceeds \$40,000 and does not exceed \$50,000,
- (m) \$22,955 plus 60% of the amount by which the amount taxable exceeds \$50,000 if the amount taxable exceeds \$50,000 and does not exceed \$60,000,
- (n) \$28,955 plus 62·5% of the amount by which the amount taxable exceeds \$60,000 if the amount taxable exceeds \$60,000 and does not exceed \$75,000,
- (o) \$38,330 plus 65% of the amount by which the amount taxable exceeds \$75,000 if the amount taxable exceeds \$75,000 and does not exceed \$90,000,
- (p) \$48,080 plus 67·5% of the amount by which the amount taxable exceeds \$90,000 if the amount taxable exceeds \$90,000 and does not exceed \$100,000,
- (q) \$54,830 plus 70% of the amount by which the amount taxable exceeds \$100,000 if the amount taxable exceeds \$100,000 and does not exceed \$125,000,

- (r) \$72,330 plus 72.5% of the amount by which the amount taxable exceeds \$125,000 if the amount taxable exceeds \$125,000 and does not exceed \$150,000,
- (s) \$90,455 plus 75% of the amount by which the amount taxable exceeds \$150,000 if the amount taxable exceeds \$150,000 and does not exceed \$225,000,
- (t) \$146,705 plus 77.5% of the amount by which the amount taxable exceeds \$225,000 if the amount taxable exceeds \$225,000 and does not exceed \$250,000,
- (u) \$166,080 plus 80.5% of the amount by which the amount taxable exceeds \$250,000 if the amount taxable exceeds \$250,000 and does not exceed \$400,000,
- (v) \$286,830 plus 83% of the amount by which the amount taxable exceeds \$400,000 if the amount taxable exceeds \$400,000.

(3) Subsection (2) of the said section 31 is repealed and the following substituted therefor:

“(2) An individual, other than a trust or estate or an individual whose income for the year is wholly or partly from a business, whose taxable income or taxable income earned in Canada, as the case may be, for a taxation year is \$3,000 or less and whose investment income for the year is not more than \$2,400, may, in lieu of the tax under subsection (1) and the Old Age Security tax imposed by subsection (3) of section 10 of *The Old Age Security Act*, pay a tax computed in accordance with a prescribed table, which shall be prepared in accordance with the following rules:

- (a) the table shall be divided into ranges of amounts not exceeding \$10 each and specify the tax payable on every amount taxable within each range, and
- (b) the tax payable on amounts taxable within one of the ranges referred to in paragraph (a) shall be the amount in dollars (excluding any fractional part of a dollar) that is nearest the aggregate of the taxes otherwise payable under subsection (1) and the said subsection (3) on the average of the highest and lowest amounts in the range.”

(4) Subsection (3) is applicable to the 1952 and subsequent taxation years.

11. (1) Subparagraph (i) of paragraph (a) of subsection (1) of section 34 of the said Act is repealed and the following substituted therefor:

“(i) out of or pursuant to a superannuation or pension fund or plan

(A) upon the death, withdrawal or retirement from employment of an employee or former employee,

Payments
out of pension
fund.

(B) upon the winding-up of the fund or plan in full satisfaction of all rights of the payee in or under the fund or plan, or

(C) to which the payee is entitled by virtue of an amendment to the plan although he continues to be an employee to whom the plan is applicable, or”

(2) Paragraph (i) of the said subsection (1) is repealed and the following substituted therefor:

“(i) the aggregate of the taxes otherwise payable by the employee under this Part for the three years immediately preceding the taxation year (before making any deduction under section 32, 33, 35 or 38),”

(3) Subsection (1) is applicable to the 1952 and subsequent taxation years and subsection (2) is applicable to the 1953 and subsequent taxation years.

Credit for dividends

12. (1) All that part of paragraph (a) of subsection (1) of section 35 of the said Act that precedes subparagraph (i) thereof is repealed and the following substituted therefor:

“(a) 20% of the amount by which”

(2) The said section 35 is further amended by adding the following subsections thereto:

“(3) Where, by virtue of section 21, 22 or 23, there is included in computing a taxpayer's income for a taxation year a dividend received or deemed to have been received by some other person, for the purpose of this section the dividend shall be deemed to have been received by the taxpayer.

Idem.

Idem.

(4) Notwithstanding subsection (4) of section 10 of *The Old Age Security Act*, the amount deductible under this section shall be computed as though that subsection had not been enacted.”

(3) Subsection (1) is applicable to dividends received or deemed to have been received in the 1953 and subsequent taxation years.

(4) Subsection (2) is applicable to the 1952 and subsequent taxation years.

13. (1) Paragraphs (a) and (b) of subsection (1) of section 36 of the said Act are repealed and the following substituted therefor:

Rates.

“(a) 18% of the amount taxable, if the amount taxable does not exceed \$20,000, and

(b) \$3,600 plus 47% of the amount by which the amount taxable exceeds \$20,000, if the amount taxable exceeds \$20,000.”

(2) Subsection (2) of the said section 36 is repealed and the following substituted therefor:

“(2) Where two or more corporations are related to each other in a taxation year, the tax payable by each of them under this Part for the year is, except where otherwise provided by another section, 47% of the amount taxable for the taxation year.” Related Corporations

(3) The said section 36 is further amended by adding the following subsection thereto immediately after subsection (3) thereof:

“(3A) If all the corporations of a group that are related to each other have filed with the Minister in prescribed form, on or before the earliest day on which a return for a taxation year was filed as required by section 40 by any of the corporations of the group, an agreement whereby, for the purposes of this section, they allocate an amount to each of them for the taxation year and the aggregate of the amounts so allocated is \$20,000, notwithstanding subsection (3) the tax payable by each of the corporations under this Part upon its amount taxable for the year is, except where otherwise provided by another section, the aggregate of Idem.

(a) 18% of the amount so allocated to it or the amount taxable, whichever is the lesser, and

(b) if the amount so allocated to it is less than the amount taxable, 47% of the amount by which the amount taxable exceeds the amount so allocated to it.”

(4) This section is applicable to the 1953 and subsequent taxation years but, where a corporation has a taxation year part of which is before and part of which is after the commencement of 1953, the tax payable by the corporation under Part I of *The Income Tax Act* for that taxation year is the aggregate of Application

(a) that proportion of the tax computed under Part I of *The Income Tax Act* as it was before being amended by this Part that the number of days in that portion of the taxation year that is in 1952 is of the number of days in the whole taxation year, and

(b) that proportion of the tax computed under Part I of *The Income Tax Act* as amended by this Part that the number of days in that portion of the taxation year that is in 1953 is of the number of days in the whole taxation year.

14. (1) Subsection (1) of section 37 of the said Act is repealed and the following substituted therefor:

“**37.** (1) There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to Deduction from corporation tax.

(a) in the case of a corporation of a class prescribed by a regulation made on the recommendation of the Minister of Finance for the purposes of this paragraph, 5%, and

(b) in the case of any other corporation, 7%, of the corporation's taxable income earned in the year in a province prescribed by a regulation made on the recommendation of the Minister of Finance."

(2) This section is applicable to the 1953 and subsequent taxation years.

15. (1) Section 38 of the said Act is amended by adding the following subsection thereto:

Foreign
Tax.

"(5) A tax paid by a taxpayer to the government of a country other than Canada for a taxation year may, subject to prescribed conditions, be deemed, for the purposes of this section, to be a tax paid by him to the government of that country on that part of his income from sources therein for the year upon which he is subject to tax under this Part for the year."

(2) This section is applicable to the 1953 and subsequent taxation years.

16. (1) Subsection (1) of section 39 of the said Act is amended by deleting the portion thereof preceding paragraph (a) thereof and substituting the following therefor:

Averaging
for farmers
and
fishermen.

"**39.** (1) Where a taxpayer's chief source of income has been farming or fishing during a taxation year (in this section referred to as the 'year of averaging') and the four immediately preceding years for which he has filed returns of income as required by this Part (in this section referred to as the 'preceding years'), if the taxpayer, on or before the day on or before which he was required to file his return of income for the year of averaging, files with the Minister an election in prescribed form, the tax payable under this Part for the year of averaging is an amount determined by the following rules:"

(2) Subsection (3) of the said section 39 is repealed and the following substituted therefor:

Election.

"(3) An election under subsection (1) is a nullity unless the earliest of the 'preceding years' is one of the six years immediately prior to the year of averaging.

Idem.

(4) An election filed under subsection (1) may be revoked by the taxpayer

(a) at any time before the Minister has first assessed his tax for the year of averaging, or

(b) during the 30 day period immediately following any assessment by the Minister of his tax for the year of averaging.

Idem.

(5) No election may be filed under this section for a taxation year if the averaging period resulting from the election would include a year that was included in an averaging period resulting from a previous election that has not been revoked under subsection (4)."

(3) This section is applicable to the 1953 and subsequent taxation years.

17. (1) Paragraph (b) of subsection (1) of section 39A of the said Act is repealed and the following substituted therefor: Recapture of excess capital cost allowance.

“(b) the aggregate of the amounts by which the taxpayer’s taxes under this Part would have been increased if the portion of the amount so included by virtue of section 20 determined under subsection (2) had been included in computing the taxpayer’s income for each of the taxation years in the period determined under subsection (2).”

(2) Subsection (2) of the said section 39A is repealed Idem and the following substituted therefor:

“(2) Where the period during which the taxpayer was not exempt from tax under this Part and

(a) if a corporation, carried on business in Canada, and

(b) if an individual, was resident in Canada, immediately before the taxation year for which an amount is included in computing his income by virtue of section 20 is only one taxation year or less, subsection (1) does not apply; and where that period

(i) is more than one taxation year and not more than 2 taxation years, the portion referred to in paragraph (b) of subsection (1) is $\frac{1}{2}$ and the period referred to therein is the 2 immediately preceding taxation years,

(ii) is more than 2 taxation years and not more than 3 taxation years, the portion referred to in paragraph (b) of subsection (1) is $\frac{2}{3}$ and the period referred to therein is the 3 immediately preceding taxation years,

(iii) is more than 3 taxation years and not more than 4 taxation years, the portion referred to in paragraph (b) of subsection (1) is $\frac{3}{4}$ and the period referred to therein is the 4 immediately preceding taxation years, and

(iv) is more than 4 taxation years, the portion referred to in paragraph (b) of subsection (1) is $\frac{4}{5}$ and the period referred to therein is the 5 immediately preceding taxation years.”

(3) This section is applicable to the 1954 and subsequent taxation years and section 15 of chapter 29 of the statutes of 1952 continues to apply to the taxation years 1951 to 1953.

18. (1) Subsection (4) of section 40 of the said Act is repealed and the following substituted therefor:

Death of
partner or
proprietor.

"(4) Where a partner or an individual who is a proprietor of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the taxpayer's income from the business after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax under this Part shall be paid on the taxpayer's income from the business after the close of the fiscal period to the time of death as if that income were the income of another person."

(2) This section is applicable to the 1953 and subsequent taxation years.

19. (1) Section 44 of the said Act is amended by adding the following subsections thereto:

Dividends
received by
brokers.

"(4) Where an amount has been received by a broker or dealer in securities in the period of 12 months immediately preceding a taxation year as or in respect of dividends on shares the beneficial ownership of which is unknown to him at the end of the taxation year, the broker or dealer shall remit an amount equal to 25% thereof to the Receiver General of Canada at such time as may be prescribed on account of the beneficial owner's tax under this Part or Part II for the taxation year in which the dividend was received by the broker or dealer.

Effect of
deduction.

(5) Where an amount has been remitted to the Receiver General under subsection (4), it shall for all the purposes of this Act be deemed,

(a) to have been received by the beneficial owner of the dividends, and

(b) to have been deducted or withheld from such amount as would otherwise be payable by the broker or dealer to the beneficial owner in respect of the dividends."

(2) This section is applicable to the 1954 and subsequent taxation years.

(3) Where an amount has been received by a broker or dealer in securities in the 1952 or a previous taxation year as or in respect of dividends on shares the beneficial ownership of which is unknown to him at the end of the 1954 taxation year, that amount shall, for the purposes of section 44 of *The Income Tax Act* as amended by this section, be deemed to have been received by him in the period of 12 months immediately preceding the 1954 taxation year.

20. (1) Section 52 of the said Act is amended by adding the following subsection thereto immediately after subsection (3) thereof:

Interest on
overpayment.

"(3A) Where, by a decision of the Minister under section 53 or by a decision of the Income Tax Appeal Board,

the Exchequer Court of Canada or the Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Part is less than the amount assessed by the assessment under section 42 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection (3) on that overpayment shall be computed at 6 per cent instead of at 2 per cent."

(2) This section is applicable to the 1952 and subsequent taxation years.

21. (1) Subparagraph (iii) of paragraph (*ec*) of subsection (1) of section 57 of the said Act is repealed and the following substituted therefor:

Charitable trusts.

"(iii) expended amounts each of which is

- (A) an expenditure in respect of charitable activities carried on by the trust itself,
- (B) a gift to an organization in Canada the income of which for the period is exempt from tax under this Part by virtue of paragraph (*ea*), or
- (C) a gift to a corporation resident in Canada the income of which for the period is exempt from tax under this Part by virtue of paragraph (*eb*), and

the aggregate of which is not less than 90 per cent of the income of the trust for the period,"

(2) Subparagraph (i) of paragraph (*i*) of the said subsection (1) is repealed and the following substituted therefor:

Credit unions.

"(i) it was restricted to carrying on business in one province and it derived its revenues primarily from

- (A) loans made to, or cashing cheques for, members residing within the province,
- (B) bonds of, or guaranteed by, the government of Canada or a province, or
- (C) loans made to a co-operative credit society of which it is a member, or"

(3) The said section 57 is further amended by adding the following subsection thereto:

"(5) For the purpose of determining whether a corporation or trust has complied with the requirements of subparagraph (iii) of paragraph (*eb*) or (*ec*) of subsection (1) for its first taxation year after its incorporation or creation, the whole or any part of amounts expended by it in the immediately subsequent taxation year shall, if it so elects, be deemed to have been expended by it in the first taxation year and not in the subsequent taxation year."

Election by new charitable trust or corporation.

(4) Subsections (1) and (2) are applicable to the 1953 and subsequent taxation years and subsection (3) is applicable to the 1952 and subsequent taxation years.

22. (1) Paragraph (a) of subsection (8) of section 58 of the said Act is repealed and the following substituted therefor:

Deduction
for foreign
tax.

“(a) that proportion of an amount included in computing the income for a taxation year of a beneficiary or other person beneficially interested in a trust or estate by virtue of subsection (5) that

(i) the income of the trust or estate for the taxation year from sources in a foreign country (before making any deduction under subsection (4)),

is of

(ii) the income of the trust or estate for the taxation year (before making any deduction under subsection (4)),

shall be deemed to have been income for the taxation year from sources in that country unless the trust or estate has, in a prescribed form filed with the Minister, designated how much of the income of the trust or estate for the year from sources in that country (before making any deduction under subsection (4)) may be regarded as having been payable in the year to each of the respective beneficiaries or other persons beneficially interested in the estate, in which event, of the amount included in computing the income for the year of each beneficiary or other such person by virtue of subsection (5), the amount so designated for him shall be deemed to have been income for the taxation year from sources in that country;”

Idem.

(2) Subparagraph (i) of paragraph (b) of the said subsection (8) is repealed and the following substituted therefor:

“(i) that portion of the amount included in computing his income for the year by virtue of subsection (5) that is, by paragraph (a), deemed to have been income for the year from sources in that country,”

Idem.

(3) Subparagraph (ii) of the said paragraph (b) is repealed and the following substituted therefor:

“(ii) the income of the trust or estate for the year from sources in that country (before making any deduction under subsection (4));”

(4) This section is applicable to the 1953 and subsequent taxation years.

23. (1) Subsections (6D) and (6E) of section 61 of the said Act are repealed and the following substituted therefor:

Dividend
from personal
corporation.

“(6D) Where a dividend is deemed by this section to have been received from a personal corporation by an

individual or another personal corporation on the last day of a taxation year, the person by whom the dividend is so deemed to have been received shall, for the purpose of section 35, be deemed to have received on that day from a taxable corporation that portion of the dividend that he is so deemed to have received that

- (a) the income of the personal corporation (from which the dividend is so deemed to have been received) for the taxation year from shares of the capital stock of taxable corporations, including the amount by which its income for the year was increased by the operation of sections 8 and 73,

is of

- (b) the income of that personal corporation for the taxation year.

“(6E) Where a dividend is deemed by this section to have been received from a personal corporation on the last day of a taxation year of the corporation by an individual or another personal corporation, the person by whom the dividend is so deemed to have been received shall, for the purpose of section 38, be deemed to have income on that day from sources in a foreign country equal to that proportion of the dividend that he is so deemed to have received that

Foreign
tax deduction
from tax

- (a) the income of the personal corporation (from which the dividend is so deemed to have been received) for that taxation year from sources in that country,

is of

- (b) the income of that personal corporation for the year; and he shall be deemed, for the purpose of section 38, to have paid income tax thereon to the government of that country equal to that proportion of the tax paid or deemed to have been paid to that government by the personal corporation (from which the dividend is deemed to have been received) on its income from sources in that country that

- (i) the dividend he is so deemed to have received,
is of

- (ii) the income of that personal corporation deemed to have been distributed to its shareholders on that day.”

(2) This section is applicable to the 1949 and subsequent taxation years.

24. (1) Paragraph (a) of subsection (1) of section 73A of the said Act is amended by deleting the word “and” at the end of subparagraph (v) thereof, by inserting the word “and” at the end of subparagraph (vi) thereof and by adding the following subparagraph thereto:

Undis-
tributed
income
on hand

“(vii) premiums, determined in the manner provided by subsection (2) of section 95B, paid by the corporation on redemption or acquisition of any of its shares other than common shares except premiums paid before February 20, 1953 on acquisition of shares other than common shares;”

Tax-paid
undistributed
income on
hand.

(2) Paragraph (b) of the said subsection (1) is amended by deleting the word “and” at the end of subparagraph (i) thereof, by inserting the word “and” at the end of subparagraph (ii) thereof and by adding the following subparagraph thereto:

“(iii) all amounts that the corporation has elected before that time to deduct under subsection (3) of section 95B;”

(3) The said section 73A is further amended by adding the following subsection thereto:

Tax paid
undistributed
income
deemed
received.

“(12) Where a corporation is deemed by subsection (3) of section 73 to have received a dividend, its undistributed income on hand immediately thereafter, as determined under paragraph (a) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation’s income for the year by virtue of subsection (4) of section 73; and, in any such case, the receiving corporation’s tax-paid undistributed income immediately after the dividend is deemed to have been received, as determined under paragraph (b) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation’s income for the year by virtue of subsection (4) of section 73.”

Mines.

25. (1) All that part of subsection (1) of section 74 of the said Act following the end of paragraph (b) thereof is repealed and the following substituted therefor:

“that came into production of ore prior to the end of the 1956 calendar year, income derived from the operation of the mine during the period of 36 months commencing with the day on which the mine came into production shall, subject to prescribed conditions, not be included in computing the income of the corporation.”

(2) This section is applicable to the 1953 and subsequent taxation years.

Inter-
pretation.

26. (1) Section 74A of the said Act is amended by adding the following subsection thereto:

“(5) Where land of Her Majesty has been transferred to a corporation specified in Schedule D to *The Financial Administration Act* for purpose of disposition, the acquisi-

tion of the property by the corporation and any disposition thereof shall be deemed not to have been in the course of the business carried on by the corporation."

(2) This section is applicable to the 1952 and subsequent taxation years.

27. (1) Paragraphs (a), (b) and (c) of subsection (3) of section 75 of the said Act are repealed and the following substituted therefor: Electric,
gas or steam
corporations.

"(a) the lesser of \$3,600 or 18% of the corporation's taxable income for the year,

(b) 47% of

(i) the corporation's class B taxable income for the year,

minus

(ii) \$20,000, and

(c) 43% of

(i) the corporation's class A taxable income for the year,

minus

(ii) the amount, if any, by which the corporation's class B taxable income for the year is less than \$20,000."

(2) Paragraph (a) of subsection (4) of the said section 75 Idem. is repealed and the following substituted therefor:

"(a) 47% of the corporation's class B taxable income for the year, and"

(3) The said section 75 is further amended by adding the following subsection thereto:

"(7) Where a designated corporation is one of a group of Idem. corporations that have filed with the Minister for a taxation year an agreement under subsection (3A) of section 36, there may be deducted from the tax for the year computed under that subsection the amount determined by applying subsection (3) of this section *mutatis mutandis* and, for that purpose, there shall be substituted for the amount of \$20,000 where it appears in paragraphs (b) and (c) of subsection (3), the amount allocated to the corporation by the agreement and there shall be substituted for the amount of \$3,600 where it appears in paragraph (a) of subsection (3) an amount equal to 18% of the amount so allocated to it."

(4) This section is applicable to the 1953 and subsequent taxation years.

28. (1) The said Act is further amended by adding the following headings and sections thereto immediately after section 75 thereof:

"BENEFITS TO EMPLOYEES.

Benefits
to
employees.

75A. (1) Where a corporation has agreed to sell or issue shares of the corporation or of a corporation with which it does not deal at arms length to an employee of the corporation or of a corporation with which it does not deal at arms length,

- (a) if the employee has acquired shares under the agreement, a benefit equal to the amount by which the value of the shares at the time he acquired them exceeds the amount paid or to be paid to the corporation therefor shall be deemed to have been received by the employee by virtue of his employment in the taxation year in which he acquired the shares;
- (b) if the employee has transferred or otherwise disposed of rights under the agreement in respect of some or all of the shares to a person with whom he was dealing at arms length, a benefit equal to the value of the consideration for the disposition shall be deemed to have been received by the employee by virtue of his employment in the taxation year in which he made the disposition;
- (c) if rights of the employee under the agreement have, by one or more transactions between persons not dealing at arms length, become vested in a person who has acquired shares under the agreement, a benefit equal to the amount by which the value of the shares at the time that person acquired them exceeds the amount paid or to be paid to the corporation therefor shall be deemed to have been received by the employee by virtue of his employment in the taxation year in which that person acquired the shares; and
- (d) if rights of the employee under the agreement have, by one or more transactions between persons not dealing at arms length, become vested in a person who has transferred or otherwise disposed of rights under the agreement to a person with whom he was dealing at arms length, a benefit equal to the value of the consideration for the disposition shall be deemed to have been received by the employee by virtue of his employment in the taxation year in which that person made the disposition.

Calculation
of tax.

(2) Where a benefit is deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by an employee by virtue of his employment in a taxation year, the employee shall, if he so elects, pay as tax for the year under this Part, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of

(a) the tax that would be payable by the employee for the year under this Part if no benefit were so deemed to have been received by him in the year, and

(b) the amount, if any, by which

(i) the proportion of the benefit so deemed to have been received that the aggregate of the taxes payable by the employee under this Part for the three years immediately preceding the taxation year (before making any deduction under section 32, 33, 35 or 38) is of the aggregate of the employee's incomes for those three years,

exceeds

(ii) 20% of the amount of the benefit so deemed to have been received.

(3) Where an employee who has elected under sub-Idem. section (2) to pay as tax for a year under this Part an amount determined under that subsection was not resident in Canada throughout the whole of the three years referred to therein, the tax payable under subsection (2) is an amount equal to the aggregate of

(a) the tax that would be payable by the employee for the year under this Part if no benefit were deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in the year, and

(b) the amount, if any, by which

(i) the proportion of the benefit so deemed to have been received that the aggregate of the taxes that would have been payable by the employee under this Part for the three years referred to in subsection (2) (before making any deduction under section 32, 33, 35 or 38), if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada, is of the aggregate of his incomes for those three years,

exceeds

(ii) 20% of the amount of the benefit so deemed to have been received;

and, in such a case, the election is not valid unless the employee has filed with his election a return of his income for each of the three years in the same form and containing the same information as the return that he would have been required to file under this Part if he had been resident in Canada in those years.

(4) Where a share is held by a trustee in trust or otherwise, either absolutely, conditionally or contingently, for an employee, the employee shall be deemed, for the purposes of this section, to have acquired the share at the time the trustee commenced so to hold it. Shares held by a trustee.

Special provisions.

- (5) Where a corporation has agreed to sell or issue shares of the corporation or of a corporation with which it does not deal at arms length to an employee of the corporation or of a corporation with which it does not deal at arms length,
- (a) no benefit shall be deemed to have been received or enjoyed by the employee under or by virtue of the agreement for the purpose of this Part except as provided by this section, and
 - (b) the income of the corporation for a taxation year shall be deemed to be not less than its income for the year would have been if it had not conferred a benefit on the employee by the sale or issue of the shares to the employee.

SPECIAL RESERVES.

Special reserves.

75B. (1) In computing the income of a taxpayer for a taxation year,

- (a) every amount received in the year in the course of a business
 - (i) that is on account of services not rendered or goods not delivered before the end of the year or that, for any other reason, may be regarded as not having been earned in the year or a previous year, or
 - (ii) under an arrangement or understanding that it is repayable in whole or in part on the return or resale to the taxpayer of articles in, or by means of, which goods were delivered to a customer, and not so repaid in the year,
 shall be included;
- (b) every amount receivable in respect of property sold or services rendered in the course of the business in the year shall be included notwithstanding that the amount is not receivable until a subsequent year unless the method adopted by the taxpayer for computing income from the business and accepted for the purpose of this Part does not require him to include any amount receivable in computing his income for a taxation year unless it has been received in the year;
- (c) subject to subsection (3), where amounts of a class described in subparagraph (i) or (ii) of paragraph (a) have been included in computing the taxpayer's income from a business for the year or a previous year, there may be deducted a reasonable amount as a reserve in respect of
 - (i) goods that it is reasonably anticipated will have to be delivered after the end of the year,
 - (ii)

- (ii) services that it is reasonably anticipated will have to be rendered after the end of the year,
- (iii) periods for which rent or other amounts for the possession or use of land or a ship have been paid in advance, or
- (iv) repayments under arrangements or understandings of the class described in subparagraph (ii) of paragraph (a) that it is reasonably anticipated will have to be made after the end of the year on the return or resale to the taxpayer of articles other than bottles;
- (d) where an amount has been included in computing the taxpayer's income from the business for the year or a previous year in respect of property sold in the course of the business and that amount is not receivable until a day
 - (i) more than two years after the day on which the property was sold, and
 - (ii) after the end of the taxation year,
 there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and
- (e) there shall be included the amounts deducted under paragraphs (c) and (d) in computing the income from a business for the immediately preceding year.

(2) Paragraphs (a) and (b) of subsection (1) are enacted for greater certainty and shall not be construed as implying that any amount not referred to therein is not to be included in computing the income from a business for a taxation year whether it is received or receivable in the year or not. Interpretation

(3) Where an amount is deductible in computing income for a taxation year under paragraph (c) of subsection (1) as a reserve in respect of Special reserves.

- (a) articles of food or drink that it is reasonably anticipated will have to be delivered after the end of the year,
- (b) transportation that it is reasonably anticipated will have to be provided after the end of the year, or
- (c) amounts of the class described in subparagraph (ii) of paragraph (a) of subsection (1) that it is reasonably anticipated will have to be repaid after the end of the year,

there shall be substituted for the amount determined thereunder an amount not exceeding the aggregate of the amounts included in computing the taxpayer's income from the business for the year that were received or receivable (depending on the method regularly followed by the taxpayer in computing his profit) in the year in respect of

(d) articles of food or drink not delivered before the end of the year,

(e) transportation not provided before the end of the year, or

(f) articles not returned or resold to the taxpayer before the end of the year,

as the case may be.

Exception.

(4) Paragraph (c) of subsection (1) does not apply to allow a deduction as a reserve in respect of guarantees, indemnities or warranties.

Policy reserves.

(5) Paragraph (c) of subsection (1) does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance corporation, may, in computing its income from its insurance business for a taxation year, deduct as policy reserves such amounts as have been approved for the purposes of this subsection by the Superintendent of Insurance.

Unearned commissions.

(6) Paragraph (c) of subsection (1) does not apply to allow a deduction to an insurance agent or broker in respect of unearned commissions but a taxpayer may, in computing his income from a business as an insurance agent or broker for a taxation year, deduct as a reserve in respect of unearned commissions an amount equal to the proportion of an amount that has been included in computing his income for the year or a previous year as a commission in respect of an insurance contract, other than a life insurance contract, that

(a) the number of days in that portion of the period provided for in the insurance contract that is after the end of the taxation year,

is of

(b) the whole of that period.

Interpretation.

(7) For the purposes of paragraph (e) of subsection (1), an amount determined under subsection (3) or an amount deducted under subsection (5) or (6) shall be deemed to have been deducted under paragraph (c) of subsection (1)."

Application.

(2) Section 75A of the said Act as enacted by subsection (1) is applicable to the 1953 and subsequent taxation years in cases where the agreements were made after March 23, 1953.

(3) Section 75B of the said Act as enacted by subsection (1) is applicable to the 1953 and subsequent taxation years.

(4) For the purpose of computing income from a business for the 1953 taxation year, any amount that is or should be outstanding on the taxpayer's books at the end of the 1952 taxation year (if subsection (1) of section 75B of the said Act as enacted by this section had been applicable to that and all previous years) and that is, in effect, a reserve or other allowance in respect of one of the matters referred to in the said subsection (1) shall, to the extent

that it, in fact, has not been included, or has been deducted, in computing the taxpayer's income from the business for the 1952 or a previous taxation year, be deemed, for the purposes of paragraph (e) of the said subsection (1), to be an amount deducted under paragraph (c) or (d) of the said subsection (1) in computing the income from the business for the 1952 taxation year.

(5) Where the amount that is deemed by subsection (4) to have been deducted under paragraph (c) or (d) of subsection (1) of section 75B of the said Act as enacted by this section in computing a taxpayer's income from a business for the 1952 taxation year exceeds the amount deductible under the said paragraph (c) or (d) in computing his income from the business for the 1953 taxation year, there may be deducted under the said paragraph (c) or (d) in addition to the amounts that would otherwise be deductible thereunder

(a) in computing his income from the business for the 1953 taxation year, 2/3 of the said excess, and

(b) in computing his income from the business for the 1954 taxation year, 1/3 of the said excess.

29. Subsection (6) of section 77 of the said Act is repealed and the following substituted therefor:

“(6) The Chairman shall be paid a salary of \$14,400 a year, the Assistant Chairman shall be paid a salary of \$13,000 a year, and each of the other members shall be paid a salary of \$11,000 a year.”

Income Tax
Appeal
Board.

30. (1) Section 80 of the said Act is repealed and the following substituted therefor:

“**80.** (1) An appeal to the Board shall be instituted by filing with the Registrar of the Income Tax Appeal Board three copies of a notice of appeal in such form as may be determined by the rules.”

How
appeal
instituted.

(2) The notice of appeal may be filed with the Registrar of the Income Tax Appeal Board by being sent to him at Ottawa by registered mail.

(3) When the three copies of the notice of appeal have been filed, and the filing fee of \$15 has been paid as required by section 81, the Registrar of the Income Tax Appeal Board shall forthwith transmit two copies of the notice of appeal to the office of the Deputy Minister of National Revenue for Taxation.

(4) Immediately after receiving the notice of appeal the Minister shall forward to the Board copies of all documents relevant to the assessment.”

(2) This section is applicable to appeals instituted after August, 1953.

31. (1) Subsection (1) of section 81 of the said Act is repealed and the following substituted therefor:

Fee upon
filing notice
of appeal.

“**81.** (1) An appellant shall pay to the Registrar of the Income Tax Appeal Board a fee of \$15 upon the filing of the notice of appeal and if the appellant receives any of the relief sought on the ultimate disposition of the appeal by the Income Tax Appeal Board, the Exchequer Court of Canada or the Supreme Court of Canada, as the case may be, the fee shall be returned to the appellant after the ultimate disposition of the appeal but not otherwise.”

32. (1) Paragraphs (b) to (d) inclusive of subsection (1) of section 83 of the said Act are repealed and the following substituted therefor:

Disposal
of appeal.

“(b) allowing it, or

(c) allowing it and

(i) vacating the assessment,

(ii) varying the assessment, or

(iii) referring the assessment back to the Minister for reconsideration and re-assessment.”

33. (1) Section 90 of the said Act is amended by adding thereto immediately after subsection (1) thereof the following subsections:

Cross-
appeal.

“(1A) If the respondent desires to appeal from the decision of the Income Tax Appeal Board, he may, instead of filing a notice of appeal under section 89, give notice by his reply (notwithstanding that it is filed and served after the expiration of the time for appeal fixed by section 55) by way of cross-appeal of his intention to contend that the decision of the Income Tax Appeal Board should be varied and set out therein a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on in support of the contention.

Reply to
cross-appeal.

(1B) Where a respondent has included in his reply a notice by way of cross-appeal, the appellant may file a reply to the cross-appeal and the provisions relating to a reply to the notice of appeal are applicable thereto *mutatis mutandis*.”

34. (1) Paragraph (ii) of subsection (2) of section 95A of the said Act is repealed and the following substituted therefor:

Corporation
election.

“(ii) the aggregate of the amounts upon which it has previously paid tax under this subsection or under subsection (3).”

(2) The said section 95A is amended by adding the following subsection thereto immediately after subsection (2):

Idem.

“(3) A subsidiary controlled corporation that is subsidiary to a personal corporation and

(a) whose undistributed income on hand at the end of its 1949 taxation year, if any, did not exceed its tax-paid undistributed income as of that time, or

(b) which has paid the tax payable under subsection (1), may elect, in prescribed manner and in prescribed form, to be assessed, and to pay, a tax of 15% on an amount not exceeding

(i) the aggregate of the dividends declared by it that were paid by it when it was subsidiary to a personal corporation in the taxation years beginning with the 1950 taxation year and ending with the last complete taxation year before the election except such portion thereof as, by virtue of subsection (2) of section 129, has not been taken into account in computing income of shareholders of the corporation,

minus

(ii) the aggregate of the amounts upon which it has previously paid tax under this subsection plus the aggregate of the dividends defined by paragraph (i) that may reasonably be regarded as having been used as the basis for payment of tax under subsection (2)."

(3) Paragraph (b) of subsection (5) of the said section 95A is repealed and the following substituted therefor:

"(b) if the election was made under subsection (2) or (3), the amount of the tax that the corporation elected to pay." Payment of tax with election.

(4) Subsection (6) of the said section 95A is repealed and the following substituted therefor:

"(6) Where an election was made under subsection (2) or subsection (3) and the amount of the tax paid with the election is in excess of or less than 15% of the amount on which, according to the election, the corporation elected to pay tax, the corporation shall be deemed to have elected to be assessed and to pay tax under that subsection on an amount equal to the lesser of

Deficient or excessive payment.

(a) 100/15 of the amount of the tax so paid, or

(b) the maximum amount on which it was entitled, at the time that the election was made, to elect under subsection (2) or subsection (3), as the case may be, to be assessed and to pay tax."

35. (1) The said Act is further amended by adding thereto immediately after Part IA thereof the following Part:

"PART IB.

TAX ON PREMIUMS PAID ON REDEMPTION
OR ACQUISITION OF CAPITAL STOCK.Tax on
premium.

95B. (1) Where a corporation other than a non-resident-owned investment corporation has in a taxation year redeemed or acquired any of its shares, other than common shares, at a premium, the corporation shall, on or before the day on or before which it is required to file its return of income under Part I for the taxation year in which the shares were redeemed or acquired, pay a tax of 20% on the amount of the premium.

(2) For the purposes of this section, a share has been redeemed or acquired at a premium if the amount payable by the corporation in respect of the redemption or acquisition exceeds

- (a) the par value of the share, if it had a par value, or
- (b) if the share had no par value, the proportion of the paid-up capital of the corporation with respect to the class of shares to which the share belongs that one is of the number of issued shares in the class,

and the premium is the amount of the excess.

(3) A corporation may, on or before the day on or before which it is required to pay tax under subsection (1), elect, in prescribed manner and in prescribed form, to deduct an amount not exceeding the amount of its tax-paid undistributed income as of the time of the election from the amount of the premium on which it is liable to pay tax under subsection (1) and to pay the tax under subsection (1) on the balance, if any.

(4) Every corporation that has redeemed or acquired any of its shares other than common shares shall, on or before the day on or before which it is required to file its return of income under Part I for the taxation year in which the shares were redeemed or acquired, file a return of the transaction in prescribed form.

(5) Where a corporation is liable to pay tax under subsection (1) and has failed to pay all or any part thereof on the day on or before which it was required to pay the tax, it shall, on payment of the amount in default, pay interest at 6% per annum from the day on or before which it was required to make the payment to the day of payment.

(6) Section 42 and sections 51 to 56 are applicable *mutatis mutandis* to this Part."

(2) This section is applicable

- (a) to any acquisition of shares on or after February 20, 1953, and
- (b) to any redemption of shares on or after April 30, 1953.

36. (1) Paragraph (b) of subsection (1) of section 96 of the said Act is repealed and the following substituted therefor:

“(b) interest except

Interest.

- (i) interest payable by a non-resident-owned investment corporation,
- (ii) interest payable under bonds of or guaranteed by the Government of Canada, and
- (iii) interest payable in a currency other than Canadian currency to a person with whom the payer is dealing at arms length (for the purpose of this subparagraph, interest expressed to be computed by reference to Canadian currency shall be deemed to be payable in Canadian currency),”

(2) The said section 96 is further amended by adding the following subsections thereto:

“(7) Where by virtue of section 21, 22 or 23 there is included in computing a taxpayer's income under Part I for a taxation year an amount paid or credited to a non-resident person in the year, no tax is payable under this section on that amount.

(8) For the purposes of this section where a non-resident person pays or credits rent for the use in Canada of property, he shall be deemed in respect of that payment to be a person resident in Canada.”

(3) Subsection (1) is applicable to amounts paid or credited after March, 1953, and subsection (2) is applicable to amounts paid or credited after April, 1953.

37. (1) Subsection (5) of section 97 of the said Act is repealed and the following substituted therefor:

“(5) Where a corporation has, before April 30, 1953, redeemed any of its shares at a premium, the premium shall be deemed, for the purposes of this Part, to have been paid as a dividend.”

Premium on redemption of shares.

(2) Subsection (5) of the said section 97 as enacted by this section is applicable to amounts paid or credited after 1948.

38. (1) Section 104 of the said Act is repealed and the following substituted therefor:

“**104.** The provisions of Division F of Part I, except sections 44 to 48 and sections 49A and 50, are applicable *mutatis mutandis* to this Part.”

Procedure.

(2) This section is applicable to the 1953 and subsequent taxation years.

39. (1) Subsection (1) of section 108 of the said Act is repealed and the following substituted therefor:

Certificates.

"108. (1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may be certified by the Minister (a) where there has been a direction by the Minister under subsection (2) of section 48, forthwith after such direction, and (b) otherwise, upon the expiration of 30 days after the default."

(2) This section is applicable from the coming into force of this Part to all amounts payable under *The Income Tax Act* or the *Income War Tax Act*.

Withholding taxes.

40. Subsection (9) of section 112 of the said Act is repealed and the following substituted therefor:

"(9) Every person who has failed to remit or pay (a) an amount deducted or withheld as required by this Act or a regulation, or (b) an amount of tax that he is, by a regulation made under subsection (4) of section 98, required to pay, is liable to a penalty of 10% of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10% per annum."

Penalty for failure to make returns.

41. Subsection (1) of section 117 of the said Act is repealed and the following substituted therefor:

"117. (1) Every person who has failed to make a return as and when required by regulation under subsection (4) of section 98, by regulation under section 106 or by subsection (2) of section 112 is liable to a penalty of \$10 a day for each day of default but not exceeding in all \$2,500."

42. (1) Paragraph (f) of subsection (1) of section 127 of the said Act is repealed and the following substituted therefor:

"Child qualified for family allowance."

"(f) 'child qualified for family allowance' means a child who, in the last month of the taxation year in respect of which the expression is being applied, was or might have been qualified by registration under *The Family Allowances Act, 1944*, so that an allowance under the said Act was or might have been payable in respect of that child for the immediately following month;"

(2) The said subsection (1) is further amended by adding thereto immediately following paragraph (k) thereof the following paragraphs:

"Employee,"
"Employer."

"(ka) 'employee' includes officer;
"(kb) 'employer', in relation to an officer, means the person from whom the officer receives his remuneration;"

(3) The said section 127 is further amended by adding thereto the following subsection:

“(9) For greater certainty it is hereby declared that, where a document has been issued or a contract entered into (either before or after the coming into force of this subsection) purporting to create, to establish, to extinguish or to be in substitution for, a taxpayer’s right to an amount or amounts, immediately or in the future, out of or under a superannuation or pension fund or plan,

Contract
under pension
plan.

(a) if the rights provided for in the document or contract are rights provided for by the superannuation or pension plan or are rights to a payment or payments out of the superannuation or pension fund, any payment under the document or contract is a payment out of or under the superannuation or pension fund or plan and the taxpayer shall be deemed not to have received, by the issuance of the document or entering into the contract, an amount out of or under the superannuation or pension fund or plan, and

b) if the rights created or established by the document or contract are not rights provided for by the superannuation or pension plan or a right to payments out of the superannuation or pension fund, an amount equal to the value of the rights created or established by the document or contract shall be deemed to have been received by the taxpayer out of or under the superannuation or pension fund or plan when the document was issued or the contract was entered into.”

(4) Subsections (1) and (2) are applicable to the 1952 and subsequent taxation years.

(5) Nothing in subsection (9) of section 127 of the said Act as enacted by this section is applicable in respect of any matter in respect of which an appeal is pending before the Income Tax Appeal Board or a court when this Part comes into force.

43. (1) Where under a contract, will or trust, made or created before the coming into force of this Part, a person is required to make a payment and is required by the terms of the contract, will or trust to pay an additional amount measured by reference to tax payable by the payee under Part I of *The Income Tax Act* by reason of the payment,

Tax on tax.

(a) the tax payable by the payee under the said Part I for the taxation year in or in respect of which such a payment is paid or payable is the amount that the payee’s tax under the said Part I for the year would be if no amount under the contract were included in computing his income for the year plus

(i) the amount by which his tax under the said Part I would be increased by including the payment in computing his income, and

- (ii) the amount by which the payee's tax under Part I for the year would be further increased by including, in the computation of his income for the year, the amount fixed by subparagraph (i) or the additional payment, whichever is the lesser, and
- (b) if the payer would otherwise be entitled to deduct the amounts payable under such a contract, in computing his income for a taxation year, he is not entitled to deduct the amount determined under subparagraph (ii) of paragraph (a).
- (2) This section is applicable to the 1953 and subsequent taxation years.

44. The reference in subsection (1) of section 10 of chapter 51 of the statutes of 1951 to "section thirteen of chapter forty of the statutes of 1950" shall be deemed to be, and always to have been, a reference to "section fourteen of chapter forty of the statutes of 1950."

Deductions
for oil, gas
and mining
corporations.

45. (1) Section 53 of chapter 25 of the statutes of 1949 (Second Session) is amended by adding the following subsection thereto immediately after subsection (1) thereof:

- "(1A) A corporation whose principal business is
 - (a) production, refining or marketing of petroleum, petroleum products or natural gas or exploring or drilling for petroleum or natural gas, or
 - (b) mining or exploring for minerals,
 may deduct, in computing its income for the purpose of *The Income Tax Act* for a taxation year, the lesser of
 - (c) the aggregate of such of
 - (i) the drilling and exploration costs, including all general geological and geophysical expenses, incurred by it, directly or indirectly, on or in respect of exploring or drilling for oil or natural gas in Canada, and
 - (ii) the prospecting, exploration and development expenses incurred by it, directly or indirectly, in searching for minerals in Canada,
 as were incurred
 - (iii) during the taxation year, and
 - (iv) during previous taxation years to the extent that they were not deductible in computing income for a previous year, or
 - (d) of that aggregate, an amount equal to its income for the taxation year
 - (i) if no deduction were allowed under paragraph (b) of subsection (1) of section 11 of the said Act, and
 - (ii) if no deduction were allowed under this subsection,
 minus the deductions allowed for the year by sub-

section (1) or (4) of this section and by section 27 of the said Act.”

(2) Subsections (2A) and (3) of the said section 53 are repealed and the following substituted therefor:

“(2A) In computing a deduction under subsection (1), (1A) or (2), no amount shall be included in respect of a payment for or in respect of a right, licence or privilege to explore for, drill for or take petroleum or natural gas other than an annual payment not exceeding \$1.00 per acre.

(3) Subsection (1) is applicable in respect of expenditures incurred in the calendar years 1949 to 1952, subsection (1A) is applicable in respect of expenditures incurred in the calendar years 1953 to 1956 and subsection (2) is applicable in respect of expenditures incurred in the calendar years 1949 to 1956.

(3A) Notwithstanding subsection (2A), where a corporation whose principal business is of the class described in paragraph (a) or (b) of subsection (1A) or an association, partnership or syndicate formed for the purpose of exploring or drilling for oil or natural gas has, after 1952, paid an amount (other than a rental or royalty) to the government of Canada or of a province for a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada (which expression is, for greater certainty, declared not to include a right of the type commonly referred to as a ‘Reservation’), and the corporation, association, partnership or syndicate has, before a well came into production on that land, surrendered all its rights under the lease so acquired without receiving any consideration therefor or repayment of any part of the amount so paid, the amount so paid shall, for the purpose of subsection (1A) or (2), be deemed to have been a cost incurred by the corporation, association, partnership or syndicate as a drilling or exploration cost on or in respect of exploring or drilling for oil or natural gas in Canada during the taxation year in which its rights were so surrendered.”

Bonus
payments.

(3) Subsection (4A) of the said section 53 is repealed and the following substituted therefor:

“(4A) Subsection (4) is applicable in respect of expenditures incurred in the calendar year 1952.”

(4) Subsections (1) and (4) of the said section 53 shall be deemed never to have been applicable in respect of expenditures incurred in the calendar years 1953 to 1955.

(5) The said section 53 is further amended by adding the following subsection thereto immediately after subsection (5) thereof:

“(5A) Where a corporation, association, syndicate or exploration partnership whose principal business is production, refining or marketing of petroleum or drilling for petroleum or a corporation whose principal business is

Deep test
wells.

mining or exploring for minerals has incurred expenditures, other than geological or geophysical expenditures, in connection with

- (a) the testing of a significant geological structure by a deep test well that was spudded in during, or the deepening of which was commenced in, 1953 or 1954 and that proved unproductive, or
- (b) the testing of a significant stratigraphic trap by a group of test wells that were spudded in during 1953 or 1954 and drilled to an aggregate depth of twenty-five thousand feet and all of which wells proved unproductive,

(which expenditures are hereinafter referred to as 'the expenditures') and, in the opinion of the Governor in Council

- (c) drilling the deep test well or group of test wells was desirable in order to extend the petroleum resources of Canada, and
- (d) the taxpayer could not reasonably be expected to drill the deep test well or group of test wells unless permitted to make the deductions hereinafter provided for,

the corporation, association, syndicate or exploration partnership may, with the consent of the Governor in Council upon the recommendation of the Minister of Mines and Technical Surveys,

- (e) deduct, in computing its income for the purpose of *The Income Tax Act* for a taxation year, the lesser of
 - (i) the aggregate of
 - (A) the expenditures incurred in the year, and
 - (B) the expenditures incurred in previous years to the extent that they were not deductible in computing income for a previous year, or
 - (ii) of that aggregate, an amount equal to its income for the taxation year
 - (A) if no deduction were allowed under paragraph (b) of subsection (1) of section 11 of the said Act, and
 - (B) if no deduction were allowed under this subsection,
 minus the deductions allowed for the year by subsection (1), (2) or (4) of this section, by subsection (1A) of this section, by subsection (5) of this section and by section 27 of the said Act; and
- (f) deduct from the taxes otherwise payable under Part I of the said Act for a taxation year the lesser of
 - (i) the aggregate of
 - (A) thirty-five per cent of the expenditures incurred in the year, and

(B) thirty-five per cent of the expenditures incurred in previous years to the extent that the latter amount was not deductible under this paragraph from the taxes otherwise payable under the said Part I for a previous year, or

(ii) of that aggregate, an amount equal to the taxes otherwise payable under the said Part I for the year."

(6) Subsection (2) of section 33 of chapter 29 of the Statutes of 1952 is repealed and shall be deemed never to have been enacted.

(7) With reference to expenditures made in connection with

(a) the testing of a significant geological structure by a deep test well that was spudded in during, or the deepening of which was commenced in 1952 and that proved unproductive, or

(b) the testing of a significant stratigraphic trap by a group of test wells that were spudded in during 1952 and drilled to an aggregate depth of twenty-five thousand feet and all of which wells proved unproductive,

paragraph (b) of subsection (5) of the said section 53 shall be read as though the expression "thirty-five per cent" were substituted for the expression "thirty per cent" contained therein.

(8) Subsections (6) and (7) of the said section 53 are repealed and the following substituted therefor:

"(6) Where a corporation, association, syndicate or exploration partnership whose principal business is production, refining or marketing of petroleum or exploration or drilling for petroleum is a shareholder or partner in or member of another corporation, association, syndicate or exploration partnership whose principal business is production, refining or marketing of petroleum or exploration or drilling for petroleum, and has paid money thereto, either by way of subscription of capital or otherwise, that is expended as described by subsection (5) or (5A), the Minister may direct that it shall, to the extent of that payment, be deemed, for the purpose of subsection (5) or (5A) as the case may be, to have, itself, made the expenditure and in any such case no deduction may be made by reason of subsection (5) or (5A) by the corporation, association, syndicate or exploration partnership that made the expenditure. Idem.

(7) Where a corporation, association, partnership or syndicate has incurred expenditures the deduction of which from income is authorized under more than one provision Limitation.

of this section, it is not entitled to make the deduction under more than one provision but is entitled to select the provision under which to make the deduction."

PART II.

46. (1) Paragraph (g) of section 6 of the *Income Tax Act*, chapter 148 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Premium on redemption of shares.

"(g) amounts received by the taxpayer in the year as premiums paid by a corporation on the redemption before April 30, 1953 of any of its shares,"

(2) This section is applicable to the 1953 and subsequent taxation years.

47. (1) Section 10 of the said Act is amended by adding the following subsection thereto:

Municipal officers expense allowance.

"(3) Where an elected officer of an incorporated municipality has been paid by the municipal corporation an amount as an allowance in a taxation year for expenses incident to the discharge of his duties as an elected officer of the corporation, the allowance shall not be included in computing his income for the year unless it exceeds one-half of the amount that was paid to him in the year by the municipal corporation as salary or other remuneration as an elected officer of the corporation, in which event there shall be included in computing his income for the year only the amount by which the allowance exceeds one-half of the amount so paid to him by way of salary or remuneration."

(2) This section is applicable to the 1953 and subsequent taxation years.

48. (1) Paragraph (h) of subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

Employer's contribution to pension funds.

"(h) where an approved superannuation fund or plan contains a provision under which the taxpayer may provide superannuation or pension benefits for an employee, officer or director of the taxpayer by making a lump sum payment to or under the fund or plan in the year in which the employee, officer or director becomes eligible to retire or retires from the employment or office, an amount paid by the taxpayer in the year or within 60 days from the end of the year pursuant thereto as the lump sum in respect of an employee, officer or director who so became eligible to retire or retired in the year (except to the extent that it is deductible under paragraph (g)),"

(2) This section is applicable to the 1953 and subsequent taxation years.

49. (1) Subsection (1) of section 12 of the said Act is amended by inserting the word "or" at the end of paragraph (f) thereof and by repealing paragraph (g) thereof. Repeal.

(2) This section is applicable to the 1953 and subsequent taxation years.

50. (1) The said Act is further amended by adding the following section thereto immediately after section 19 thereof:

"**19A.** Where, by virtue of an assignment or other transfer of a bond, debenture or similar security (other than an income bond or an income debenture), the transferee has become entitled to interest in respect of a period commencing before the time of transfer and ending after that time that is not payable until after the time of transfer, an amount equal to that proportion of the interest that the number of days in the portion of the period that preceded the day of transfer is of the number of days in the whole period Interest on bonds

(a) shall be included in computing the transferor's income for the taxation year in which the transfer was made, and

(b) may be deducted in computing the transferee's income for a taxation year in the computation of which there has been included

(i) the full amount of the interest under section 6, or

(ii) a portion of the interest under paragraph (a) of this section."

(2) This section is applicable to the 1953 and subsequent taxation years.

51. (1) Subsection (2) of section 21 of the said Act is repealed and the following substituted therefor:

"(2) Where a person has received remuneration as an employee of his spouse, the amount thereof shall not be deducted in computing the spouse's income and shall not be included in computing the employee's income." Husband and wife.

(2) This section is applicable to the 1953 and subsequent taxation years.

52. (1) Subparagraph (ii) of paragraph (a) of subsection (1) of section 26 of the said Act is amended by deleting the word "or" at the end of clause (A) thereof, by inserting the word "or" at the end of clause (B) thereof and by adding the following clause thereto:

"(C) 21 years of age or over and in full-time attendance at a school or university," Dependent children.

(2) Paragraph (c) of the said subsection (1) is amended by deleting the word "or" at the end of subparagraph (i) thereof, by inserting the word "or" at the end of sub-

paragraph (ii) thereof and by adding the following subparagraph thereto:

“(iii) 21 years of age or over and in full-time attendance at a school or university,”

(3) This section is applicable to the 1953 and subsequent taxation years.

53. (1) All that portion of paragraph (c) of subsection (1) of section 27 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

Medical expenses.

“(c) an amount equal to that portion of medical expenses in excess of 3% of the taxpayer’s income for the year paid either by the taxpayer or his legal representatives”

(2) Section 27 is further amended by adding the following subsection thereto:

“(4) For the purpose of paragraph (c) of subsection (1), where medical expenses became payable by a taxpayer or his legal representatives during a period of 12 months referred to in subparagraph (i) or (ii) thereof and were paid after that period on behalf of the taxpayer or his legal representatives pursuant to a contract of insurance in respect of medical expenses for which insurance the taxpayer had paid premiums or other consideration, the expenses may be deemed to have been paid when they became payable.”

(3) This section is applicable to the 1953 and subsequent taxation years.

54. (1) Section 28 of the said Act is amended by adding the following subsections thereto immediately after subsection (9) thereof:

Dividends received by a corporation.

“(9a) Where two corporations have, from May 10, 1950, or earlier, to the time of the acquisition hereinafter referred to,

(a) been subsidiary wholly-owned corporations, and

(b) been subsidiary to the same corporation,

and one of them (hereinafter in this subsection referred to as the ‘receiving corporation’) has acquired control of the other (hereinafter in this subsection referred to as the ‘payer corporation’) by the purchase from the corporation to which they were subsidiary of shares of the capital stock of the payer corporation for a consideration not exceeding

(c) in the case of shares that had a par value, the par value thereof, and

(d) in the case of shares that had no par value, the proportion of the paid-up capital of the payer corporation with respect to the class of shares to which the shares so acquired belong that the number of shares so acquired is of the number of issued shares in the class,

subsection (2) is not applicable to a dividend paid by the payer corporation to the receiving corporation.

(9b) For the purpose of this section dividends paid by ^{Idem.} a payer corporation in the control period before the control was acquired shall be deemed to have been paid out of the designated surplus."

(2) Paragraph (b) of subsection (11) of the said section 28 is repealed and the following substituted therefor:

"(b) the corporation did not, at the time the dividend was received, own more than 5% of any class of the issued share capital of the corporation from which the dividend was received."

(3) Subsection (9a) of the said section 28 as enacted by subsection (1) is applicable to dividends paid after March, 1953; and subsection (9b) of the said section 28 as enacted by subsection (1) is applicable, where the receiving corporation acquired control of the payer corporation after May 10, 1950, to the 1953 and subsequent taxation years.

55. (1) Paragraphs (a) to (p) of subsection (1) of section 32 of the said Act are repealed and the following substituted therefor:

- "(a) 15% of the amount taxable if the amount taxable ^{Rate.} does not exceed \$1,000,
- (b) \$150 plus 17% of the amount by which the amount taxable exceeds \$1,000 if the amount taxable exceeds \$1,000 and does not exceed \$2,000,
- (c) \$320 plus 19% of the amount by which the amount taxable exceeds \$2,000 if the amount taxable exceeds \$2,000 and does not exceed \$4,000,
- (d) \$700 plus 22% of the amount by which the amount taxable exceeds \$4,000 if the amount taxable exceeds \$4,000 and does not exceed \$6,000,
- (e) \$1,140 plus 26% of the amount by which the amount taxable exceeds \$6,000 if the amount taxable exceeds \$6,000 and does not exceed \$8,000,
- (f) \$1,660 plus 30% of the amount by which the amount taxable exceeds \$8,000 if the amount taxable exceeds \$8,000 and does not exceed \$10,000,
- (g) \$2,260 plus 35% of the amount by which the amount taxable exceeds \$10,000 if the amount taxable exceeds \$10,000 and does not exceed \$12,000,
- (h) \$2,960 plus 40% of the amount by which the amount taxable exceeds \$12,000 if the amount taxable exceeds \$12,000 and does not exceed \$15,000,
- (i) \$4,160 plus 45% of the amount by which the amount taxable exceeds \$15,000 if the amount taxable exceeds \$15,000 and does not exceed \$25,000,
- (j) \$8,660 plus 50% of the amount by which the amount taxable exceeds \$25,000 if the amount taxable exceeds \$25,000 and does not exceed \$40,000,

- (*k*) \$16,160 plus 55% of the amount by which the amount taxable exceeds \$40,000 if the amount taxable exceeds \$40,000 and does not exceed \$60,000,
- (*l*) \$27,160 plus 60% of the amount by which the amount taxable exceeds \$60,000 if the amount taxable exceeds \$60,000 and does not exceed \$90,000,
- (*m*) \$45,160 plus 65% of the amount by which the amount taxable exceeds \$90,000 if the amount taxable exceeds \$90,000 and does not exceed \$125,000,
- (*n*) \$67,910 plus 70% of the amount by which the amount taxable exceeds \$125,000 if the amount taxable exceeds \$125,000 and does not exceed \$225,000,
- (*o*) \$137,910 plus 75% of the amount by which the amount taxable exceeds \$225,000 if the amount taxable exceeds \$225,000 and does not exceed \$400,000,
- (*p*) \$269,160 plus 80% of the amount by which the amount taxable exceeds \$400,000 if the amount taxable exceeds \$400,000."

Rates for
1953.

(2) Subsection (1) is applicable to the 1953 and subsequent taxation years, except that for the 1953 taxation year paragraphs (*a*) to (*p*) of subsection (1) of the said section 32 shall be read as follows:

- (*a*) 16% of the amount taxable if the amount taxable does not exceed \$1,000,
- (*b*) \$160 plus 18% of the amount by which the amount taxable exceeds \$1,000 if the amount taxable exceeds \$1,000 and does not exceed \$2,000,
- (*c*) \$340 plus 20·5% of the amount by which the amount taxable exceeds \$2,000 if the amount taxable exceeds \$2,000 and does not exceed \$4,000,
- (*d*) \$750 plus 23·5% of the amount by which the amount taxable exceeds \$4,000 if the amount taxable exceeds \$4,000 and does not exceed \$6,000,
- (*e*) \$1,220 plus 28% of the amount by which the amount taxable exceeds \$6,000 if the amount taxable exceeds \$6,000 and does not exceed \$8,000,
- (*f*) \$1,780 plus 32·5% of the amount by which the amount taxable exceeds \$8,000 if the amount taxable exceeds \$8,000 and does not exceed \$10,000,
- (*g*) \$2,430 plus 37·5% of the amount by which the amount taxable exceeds \$10,000 if the amount taxable exceeds \$10,000 and does not exceed \$12,000,
- (*h*) \$3,180 plus 42·5% of the amount by which the amount taxable exceeds \$12,000 if the amount taxable exceeds \$12,000 and does not exceed \$15,000,
- (*i*) \$4,455 plus 47·5% of the amount by which the amount taxable exceeds \$15,000 if the amount taxable exceeds \$15,000 and does not exceed \$25,000,

- (j) \$9,205 plus 52·5% of the amount by which the amount taxable exceeds \$25,000 if the amount taxable exceeds \$25,000 and does not exceed \$35,000,
- (k) \$14,455 plus 55% of the amount by which the amount taxable exceeds \$35,000 if the amount taxable exceeds \$35,000 and does not exceed \$40,000,
- (l) \$17,205 plus 57·5% of the amount by which the amount taxable exceeds \$40,000 if the amount taxable exceeds \$40,000 and does not exceed \$50,000,
- (m) \$22,955 plus 60% of the amount by which the amount taxable exceeds \$50,000 if the amount taxable exceeds \$50,000 and does not exceed \$60,000,
- (n) \$28,955 plus 62·5% of the amount by which the amount taxable exceeds \$60,000 if the amount taxable exceeds \$60,000 and does not exceed \$75,000,
- (o) \$38,330 plus 65% of the amount by which the amount taxable exceeds \$75,000 if the amount taxable exceeds \$75,000 and does not exceed \$90,000,
- (p) \$48,080 plus 67·5% of the amount by which the amount taxable exceeds \$90,000 if the amount taxable exceeds \$90,000 and does not exceed \$100,000,
- (q) \$54,830 plus 70% of the amount by which the amount taxable exceeds \$100,000 if the amount taxable exceeds \$100,000 and does not exceed \$125,000,
- (r) \$72,330 plus 72·5% of the amount by which the amount taxable exceeds \$125,000 if the amount taxable exceeds \$125,000 and does not exceed \$150,000,
- (s) \$90,455 plus 75% of the amount by which the amount taxable exceeds \$150,000 if the amount taxable exceeds \$150,000 and does not exceed \$225,000,
- (t) \$146,705 plus 77·5% of the amount by which the amount taxable exceeds \$225,000 if the amount taxable exceeds \$225,000 and does not exceed \$250,000,
- (u) \$166,080 plus 80·5% of the amount by which the amount taxable exceeds \$250,000 if the amount taxable exceeds \$250,000 and does not exceed \$400,000,
- (v) \$286,830 plus 83% of the amount by which the amount taxable exceeds \$400,000 if the amount taxable exceeds \$400,000.

(3) Subsection (2) of the said section 32 is repealed and the following substituted therefor:

“(2) An individual, other than a trust or estate or an individual whose income for the year is wholly or partly from a business, whose taxable income or taxable income earned in Canada, as the case may be, for a taxation year is \$3,000 or less and whose investment income for the year is not more than \$2,400, may, in lieu of the tax under subsection (1) and the Old Age Security tax imposed by subsection (3) of section 10 of the *Old Age Security Act*, pay a

Special
table.

tax computed in accordance with a prescribed table, which shall be prepared in accordance with the following rules:

- (a) the table shall be divided into ranges of amounts not exceeding \$10 each and specify the tax payable on every amount taxable within each range, and
- (b) the tax payable on amounts taxable within one of the ranges referred to in paragraph (a) shall be the amount in dollars (excluding any fractional part of a dollar) that is nearest the aggregate of the taxes otherwise payable under subsection (1) and the said subsection (3) on the average of the highest and lowest amounts in the range."

(4) Subsection (3) is applicable to the 1953 and subsequent taxation years.

56. (1) Subparagraph (i) of paragraph (a) of subsection (1) of section 36 of the said Act is repealed and the following substituted therefor:

Payments
out of
pension fund.

"(i) out of or pursuant to a superannuation or pension fund or plan

(A) upon the death, withdrawal or retirement from employment of an employee or former employee,

(B) upon the winding-up of the fund or plan in full satisfaction of all rights of the payee in or under the fund or plan, or

(C) to which the payee is entitled by virtue of an amendment to the plan although he continues to be an employee to whom the plan is applicable, or"

(2) Paragraph (i) of the said subsection (1) is repealed and the following substituted therefor:

"(i) the aggregate of the taxes otherwise payable by the employee under this Part for the three years immediately preceding the taxation year (before making any deduction under section 33, 34, 38 or 41),"

(3) This section is applicable to the 1953 and subsequent taxation years.

57. (1) All that part of paragraph (a) of subsection (1) of section 38 of the said Act that precedes subparagraph (i) thereof is repealed and the following substituted therefor:

"(a) 20% of the amount by which"

(2) The said section 38 is further amended by adding the following subsections thereto:

"(3) Where, by virtue of section 21, 22 or 23, there is included in computing a taxpayer's income for a taxation year a dividend received or deemed to have been received

Credit for
dividends.

Idem.

by some other person, for the purpose of this section the dividend shall be deemed to have been received by the taxpayer.

(4) Notwithstanding subsection (4) of section 10 of the *Old Age Security Act*, the amount deductible under this section shall be computed as though that subsection had not been enacted." Idem.

(3) Subsection (1) is applicable to dividends received or deemed to have been received in the 1953 and subsequent taxation years.

(4) Subsection (2) is applicable to the 1953 and subsequent taxation years.

58. (1) Paragraphs (a) and (b) of subsection (1) of section 39 of the said Act are repealed and the following substituted therefor:

"(a) 18% of the amount taxable, if the amount taxable Rates
does not exceed \$20,000, and

(b) \$3,600 plus 47% of the amount by which the amount taxable exceeds \$20,000, if the amount taxable exceeds \$20,000."

(2) Subsection (2) of the said section 39 is repealed and the following substituted therefor:

"(2) Where two or more corporations are related to each other in a taxation year, the tax payable by each of them under this Part for the year is, except where otherwise provided by another section, 47% of the amount taxable for the taxation year." Related Corporations

(3) The said section 39 is further amended by adding the following subsection thereto immediately after subsection (3) thereof:

"(3a) If all the corporations of a group that are related to each other have filed with the Minister in prescribed form, on or before the earliest day on which a return for a taxation year was filed as required by section 44 by any of the corporations of the group, an agreement whereby, for the purposes of this section, they allocate an amount to each of them for the taxation year and the aggregate of the amounts so allocated is \$20,000, notwithstanding subsection (3) the tax payable by each of the corporations under this Part upon its amount taxable for the year is, except where otherwise provided by another section, the aggregate of Idem.

(a) 18% of the amount so allocated to it or the amount taxable, whichever is the lesser, and

(b) if the amount so allocated to it is less than the amount taxable, 47% of the amount by which the amount taxable exceeds the amount so allocated to it"

(4) This section is applicable to the 1953 and subsequent taxation years but, where a corporation has a taxation Application.

year part of which is before and part of which is after the commencement of 1953, the tax payable by the corporation under Part I of the *Income Tax Act* for that taxation year is the aggregate of

- (a) that proportion of the tax computed under Part I of the *Income Tax Act* as it was before being amended by this Part that the number of days in that portion of the taxation year that is in 1952 is of the number of days in the whole taxation year, and
- (b) that proportion of the tax computed under Part I of the *Income Tax Act* as amended by this Part that the number of days in that portion of the taxation year that is in 1953 is of the number of days in the whole taxation year.

59. (1) Subsection (1) of section 40 of the said Act is repealed and the following substituted therefor:

Deduction
from
corporation
tax.

"**40.** (1) There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to

- (a) in the case of a corporation of a class prescribed by a regulation made on the recommendation of the Minister of Finance for the purposes of this paragraph, 5%, and
- (b) in the case of any other corporation, 7%,
of the corporation's taxable income earned in the year in a province prescribed by a regulation made on the recommendation of the Minister of Finance."

(2) This section is applicable to the 1953 and subsequent taxation years.

60. (1) Section 41 of the said Act is amended by adding the following subsection thereto:

Foreign
tax.

"(6) A tax paid by a taxpayer to the government of a country other than Canada for a taxation year may, subject to prescribed conditions, be deemed, for the purposes of this section, to be a tax paid by him to the government of that country on that part of his income from sources therein for the year upon which he is subject to tax under this Part for the year."

(2) This section is applicable to the 1953 and subsequent taxation years.

61. (1) Subsection (1) of section 42 of the said Act is amended by deleting the portion thereof preceding paragraph (a) thereof and substituting the following therefor:

Averaging
for farmers
and
fishermen.

"**42.** (1) Where a taxpayer's chief source of income has been farming or fishing during a taxation year (in this section referred to as the 'year of averaging') and the four immediately preceding years for which he has filed returns of income as required by this Part (in this section referred

to as the 'preceding years'), if the taxpayer, on or before the day on or before which he was required to file his return of income for the year of averaging, files with the Minister an election in prescribed form, the tax payable under this Part for the year of averaging is an amount determined by the following rules:"

(2) Subsection (3) of the said section 42 is repealed and the following substituted therefor:

"(3) An election under subsection (1) is a nullity unless Election. the earliest of the 'preceding years' is one of the six years immediately prior to the year of averaging.

(4) An election filed under subsection (1) may be revoked Idem. by the taxpayer

(a) at any time before the Minister has first assessed his tax for the year of averaging, or

(b) during the 30 day period immediately following any assessment by the Minister of his tax for the year of averaging.

(5) No election may be filed under this section for a Idem. taxation year if the averaging period resulting from the election would include a year that was included in an averaging period resulting from a previous election that has not been revoked under subsection (4)."

(3) This section is applicable to the 1953 and subsequent taxation years.

62. (1) Paragraph (b) of subsection (1) of section 43 of the said Act is repealed and the following substituted therefor:

"(b) the aggregate of the amounts by which the taxpayer's taxes under this Part would have been increased if the portion of the amount so included by virtue of section 20 determined under subsection (2) had been included in computing the taxpayer's income for each of the taxation years in the period determined under subsection (2)."

Recapture of excess capital cost allowance.

(2) Subsections (2), (3) and (4) of the said section 43 are repealed and the following substituted therefor:

"(2) Where the period during which the taxpayer was Idem. not exempt from tax under this Part and

(a) if a corporation, carried on business in Canada, and

(b) if an individual, was resident in Canada,

immediately before the taxation year for which an amount is included in computing his income by virtue of section 20 is only one taxation year or less, subsection (1) does not apply; and where that period

(i) is more than one taxation year and not more than 2 taxation years, the portion referred to in paragraph (b) of subsection (1) is $\frac{1}{2}$ and the period

referred to therein is the 2 immediately preceding taxation years,

(ii) is more than 2 taxation years and not more than 3 taxation years, the portion referred to in paragraph (b) of subsection (1) is $\frac{1}{3}$ and the period referred to therein is the 3 immediately preceding taxation years,

(iii) is more than 3 taxation years and not more than 4 taxation years, the portion referred to in paragraph (b) of subsection (1) is $\frac{1}{4}$ and the period referred to therein is the 4 immediately preceding taxation years, and

(iv) is more than 4 taxation years, the portion referred to in paragraph (b) of subsection (1) is $\frac{1}{5}$ and the period referred to therein is the 5 immediately preceding taxation years."

(3) This section is applicable to the 1954 and subsequent taxation years.

63. (1) Subsection (4) of section 44 of the said Act is repealed and the following substituted therefor:

Death of
partner or
proprietor.

"(4) Where a partner or an individual who is a proprietor of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the taxpayer's income from the business after the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax under this Part shall be paid on the taxpayer's income from the business after the close of the fiscal period to the time of death as if that income were the income of another person."

(2) This section is applicable to the 1953 and subsequent taxation years.

64. (1) Section 47 of the said Act is amended by adding the following subsections thereto:

Dividends
received by
brokers.

"(4) Where an amount has been received by a broker or dealer in securities in the period of twelve months immediately preceding a taxation year as or in respect of dividends or shares the beneficial ownership of which is unknown to him at the end of the taxation year, the broker or dealer shall remit an amount equal to 25% thereof to the Receiver General of Canada at such time as may be prescribed on account of the beneficial owner's tax under this Part or Part III for the taxation year in which the dividend was received by the broker or dealer.

Effect of
deduction.

(5) Where an amount has been remitted to the Receiver General under subsection (4), it shall for all purposes of this Act be deemed,

(a) to have been received by the beneficial owner of the dividends, and

(b) to have been deducted or withheld from such amount as would otherwise be payable by the broker or dealer to the beneficial owner in respect of the dividends.”

(2) This section is applicable to the 1954 and subsequent taxation years.

(3) Where an amount has been received by a broker or dealer in securities in the 1952 or a previous taxation year as or in respect of dividends on shares the beneficial ownership of which is unknown to him at the end of the 1954 taxation year, that amount shall, for the purposes of section 47 of the *Income Tax Act* as amended by this section, be deemed to have been received by him in the period of 12 months immediately preceding the 1954 taxation year.

65. (1) Section 57 of the said Act is amended by adding the following subsection thereto immediately after subsection (3) thereof:

“(3a) Where, by a decision of the Minister under section 58 or by a decision of the Income Tax Appeal Board, the Exchequer Court of Canada or the Supreme Court of Canada, it is finally determined that the tax payable by a taxpayer for a taxation year under this Part is less than the amount assessed by the assessment under section 46 to which the objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection (3) on that overpayment shall be computed at 6 per cent instead of at 2 per cent.”

(2) This section is applicable to the 1953 and subsequent taxation years.

66. (1) Subparagraph (iii) of paragraph (g) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

“(iii) expended amounts each of which is

(A) an expenditure in respect of charitable activities carried on by the trust itself,

(B) a gift to an organization in Canada the income of which for the period is exempt from tax under this Part by virtue of paragraph (e), or

(C) a gift to a corporation resident in Canada the income of which for the period is exempt from tax under this Part by virtue of paragraph (f), and

the aggregate of which is not less than 90 per cent of the income of the trust for the period;”

Interest on
overpayment.

Charitable
trusts.

Credit
Unions.

(2) Subparagraph (i) of paragraph (k) of the said subsection (1) is repealed and the following substituted therefor:

“(i) it was restricted to carrying on business in one province and it derived its revenues primarily from

(A) loans made to, or cashing cheques for, members residing within the province,

(B) bonds of, or guaranteed by, the government of Canada or a province, or

(C) loans made to a co-operative credit society of which it is a member, or”

(3) The said section 62 is further amended by adding the following subsection thereto:

Election by
new
charitable
trust or
corporation.

“(5) For the purpose of determining whether a corporation or trust has complied with the requirements of subparagraph (iii) of paragraph (f) or (g) of subsection (1) for its first taxation year after its incorporation or creation, the whole or any part of amounts expended by it in the immediately subsequent taxation year shall, if it so elects, be deemed to have been expended by it in the first taxation year and not in the subsequent taxation year.”

(4) This section is applicable to the 1953 and subsequent taxation years.

67. (1) Paragraph (a) of subsection (12) of section 63 of the said Act is repealed and the following substituted therefor:

Deduction for
foreign tax.

“(a) that proportion of an amount included in computing the income for a taxation year of a beneficiary or other person beneficially interested in a trust or estate by virtue of subsection (6) that

(i) the income of the trust or estate for the taxation year from sources in a foreign country (before making any deduction under subsection (4)),
is of

(ii) the income of the trust or estate for the taxation year (before making any deduction under subsection (4)),

shall be deemed to have been income for the taxation year from sources in that country unless the trust or estate has, in a prescribed form filed with the Minister, designated how much of the income of the trust or estate for the year from sources in that country (before making any deduction under subsection (4)) may be regarded as having been payable in the year to each of the respective beneficiaries or other persons beneficially interested in the estate, in which event, of the amount included in computing the income for the year of each beneficiary or other such person by virtue of subsection (6), the amount so designated for him shall

be deemed to have been income for the taxation year from sources in that country;"

(2) Subparagraph (i) of paragraph (b) of the said subsection (12) is repealed and the following substituted therefor: Idem.

"(i) that portion of the amount included in computing his income for the year by virtue of subsection (6) that is, by paragraph (a), deemed to have been income for the year from sources in that country,"

(3) Subparagraph (ii) of the said paragraph (b) is repealed and the following substituted therefor: Idem.

"(ii) the income of the trust or estate for the year from sources in that country (before making any deduction under subsection (4));"

(4) This section is applicable to the 1953 and subsequent taxation years.

68. (1) Subsections (10) and (11) of section 67 of the said Act are repealed and the following substituted therefor:

"(10) Where a dividend is deemed by this section to have been received from a personal corporation by an individual or another personal corporation on the last day of a taxation year, the person by whom the dividend is so deemed to have been received shall, for the purpose of section 38, be deemed to have received on that day from a taxable corporation that portion of the dividend that he is so deemed to have received that Dividends from personal corporation.

(a) the income of the personal corporation (from which the dividend is so deemed to have been received) for the taxation year from shares of the capital stock of taxable corporations, including the amount by which its income for the year was increased by the operation of sections 8 and 81,

is of

(b) the income of that personal corporation for the taxation year.

(11) Where a dividend is deemed by this section to have been received from a personal corporation on the last day of a taxation year of the corporation by an individual or another personal corporation, the person by whom the dividend is so deemed to have been received shall, for the purpose of section 41, be deemed to have income on that day from sources in a foreign country equal to that proportion of the dividend that he is so deemed to have received that Foreign tax deduction from tax

(a) the income of the personal corporation (from which the dividend is so deemed to have been received) for that taxation year from sources in that country,

is of

(b) the income of that personal corporation for the year;

and he shall be deemed, for the purpose of section 41, to have paid income tax thereon to the government of that country equal to that proportion of the tax paid or deemed to have been paid to that government by the personal corporation (from which the dividend is deemed to have been received) on its income from sources in that country that

(i) the dividend he is so deemed to have received, is of

(ii) the income of that personal corporation deemed to have been distributed to its shareholders on that day."

(2) This section is applicable to the 1953 and subsequent taxation years.

69. (1) Paragraph (a) of subsection (1) of section 82 of the said Act is amended by deleting the word "and" at the end of subparagraph (vi) thereof, by inserting the word "and" at the end of subparagraph (vii) thereof and by adding the following subparagraph thereto:

"Undis-
tributed
income on
hand."

"(viii) premiums, determined in the manner provided by subsection (2) of section 105A, paid by the corporation on redemption or acquisition of any of its shares other than common shares except premiums paid before February 20, 1953 on acquisition of shares other than common shares;"

"Tax-paid
undistributed
income."

(2) Paragraph (b) of the said subsection (1) is amended by deleting the word "and" at the end of subparagraph (i) thereof, by inserting the word "and" at the end of subparagraph (ii) thereof and by adding the following subparagraph thereto:

"(iii) all amounts that the corporation has elected before that time to deduct under subsection (3) of section 105A;"

(3) The said section 82 is further amended by adding the following subsection thereto:

Tax-paid
undistributed
income
deemed
received.

"(12) Where a corporation is deemed by subsection (3) of section 81 to have received a dividend, its undistributed income on hand immediately thereafter, as determined under paragraph (a) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81; and, in any such case, the receiving corporation's tax-paid undistributed income immediately after the dividend is deemed to have been received, as determined under paragraph (b) of subsection (1), shall be deemed to be the amount otherwise determined thereunder

plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81."

70. (1) All that part of subsection (5) of section 83 of the said Act following the end of paragraph (b) thereof is repealed and the following substituted therefor:

"that came into production of ore prior to the end of the 1956 calendar year, income derived from the operation of the mine during the period of 36 months commencing with the day on which the mine came into production shall, subject to prescribed conditions, not be included in computing the income of the corporation." Mines.

(2) This section is applicable to the 1953 and subsequent taxation years.

71. (1) Section 84 of the said Act is amended by adding the following subsection thereto: Interpretation.

"(5) Where land of Her Majesty has been transferred to a corporation specified in Schedule D to the *Financial Administration Act* for purpose of disposition, the acquisition of the property by the corporation and any disposition thereof shall be deemed not to have been in the course of the business carried on by the corporation."

(2) This section is applicable to the 1953 and subsequent taxation years.

72. (1) Paragraphs (a), (b) and (c) of subsection (3) of section 85 of the said Act are repealed and the following substituted therefor: Electric gas or steam corporations.

"(a) the lesser of \$3,600 or 18% of the corporation's taxable income for the year,

(b) 47% of

(i) the corporation's class B taxable income for the year,

minus

(ii) \$20,000, and

(c) 43% of

(i) the corporation's class A taxable income for the year,

minus

(ii) the amount, if any, by which the corporation's class B taxable income for the year is less than \$20,000."

(2) Paragraph (a) of subsection (4) of the said section 85 Idem. is repealed and the following substituted therefor:

"(a) 47% of the corporation's class B taxable income for the year, and"

(3) The said section 85 is further amended by adding Idem. the following subsection thereto:

“(7) Where a designated corporation is one of a group of corporations that have filed with the Minister for a taxation year an agreement under subsection (3a) of section 39, there may be deducted from the tax for the year computed under that subsection the amount determined by applying subsection (3) of this section *mutatis mutandis* and, for that purpose, there shall be substituted for the amount of \$20,000 where it appears in paragraphs (b) and (c) of subsection (3), the amount allocated to the corporation by the agreement and there shall be substituted for the amount of \$3,600 where it appears in paragraph (a) of subsection (3) an amount equal to 18% of the amount so allocated to it.”

(4) This section is applicable to the 1953 and subsequent taxation years.

73. (1) The said Act is further amended by adding the following headings and sections thereto immediately after section 85 thereof:

“BENEFITS TO EMPLOYEES.

Benefits
to
employees.

85A. (1) Where a corporation has agreed to sell or issue shares of the corporation or of a corporation with which it does not deal at arm's length to an employee of the corporation or of a corporation with which it does not deal at arm's length,

(a) if the employee has acquired shares under the agreement, a benefit equal to the amount by which the value of the shares at the time he acquired them exceeds the amount paid or to be paid to the corporation therefor shall be deemed to have been received by the employee by virtue of his employment in the taxation year in which he acquired the shares;

(b) if the employee has transferred or otherwise disposed of rights under the agreement in respect of some or all of the shares to a person with whom he was dealing at arm's length, a benefit equal to the value of the consideration for the disposition shall be deemed to have been received by the employee by virtue of his employment in the taxation year in which he made the disposition;

(c) if rights of the employee under the agreement have, by one or more transactions between persons not dealing at arm's length, become vested in a person who has acquired shares under the agreement, a benefit equal to the amount by which the value of the shares at the time that person acquired them exceeds the amount paid or to be paid to the corporation therefor

shall be deemed to have been received by the employee by virtue of his employment in the taxation year in which that person acquired the shares; and

- (d) if rights of the employee under the agreement have, by one or more transactions between persons not dealing at arm's length, become vested in a person who has transferred or otherwise disposed of rights under the agreement to a person with whom he was dealing at arm's length, a benefit equal to the value of the consideration for the disposition shall be deemed to have been received by the employee by virtue of his employment in the taxation year in which that person made the disposition.

(2) Where a benefit is deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by an employee by virtue of his employment in a taxation year, the employee shall, if he so elects, pay as tax for the year under this Part, in lieu of the amount that would otherwise be payable, **an amount equal to the aggregate of** Calculation of tax.

- (a) the tax that would be payable by the employee for the year under this Part if no benefit were so deemed to have been received by him in the year, and

- (b) the amount, if any, by which

- (i) the proportion of the benefit so deemed to have been received that the aggregate of the taxes payable by the employee under this Part for the three years immediately preceding the taxation year (before making any deduction under section 33, 34, 38 or 41) is of the aggregate of the employee's incomes for those three years,

exceeds

- (ii) 20% of the amount of the benefit so deemed to have been received.

(3) Where an employee who has elected under subsection (2) to pay as tax for a year under this Part an amount determined under that subsection was not resident in Canada throughout the whole of the three years referred to therein, the tax payable under subsection (2) is an amount equal to the aggregate of Idem.

- (a) the tax that would be payable by the employee for the year under this Part if no benefit were deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in the year, and

- (b) the amount, if any, by which

- (i) the proportion of the benefit so deemed to have been received that the aggregate of the taxes that would have been payable by the employee under this Part for the three years referred to in subsection (2) (before making any deduction under section 33, 34, 38 or 41), if he had been resident

in Canada throughout those years and his incomes for those years had been from sources in Canada, is of the aggregate of his incomes for those three years,

exceeds

- (ii) 20% of the amount of the benefit so deemed to have been received;

and, in such a case, the election is not valid unless the employee has filed with his election a return of his income for each of the three years in the same form and containing the same information as the return that he would have been required to file under this Part if he had been resident in Canada in those years.

Shares held
by a trustee.

(4) Where a share is held by a trustee in trust or otherwise, either absolutely, conditionally or contingently, for an employee, the employee shall be deemed, for the purposes of this section, to have acquired the share at the time the trustee commenced so to hold it.

Special
provisions.

(5) Where a corporation has agreed to sell or issue shares of the corporation or of a corporation with which it does not deal at arm's length to an employee of the corporation or of a corporation with which it does not deal at arm's length,

(a) no benefit shall be deemed to have been received or enjoyed by the employee under or by virtue of the agreement for the purpose of this Part except as provided by this section, and

(b) the income of the corporation for a taxation year shall be deemed to be not less than its income for the year would have been if it had not conferred a benefit on the employee by the sale or issue of the shares to the employee.

SPECIAL RESERVES.

Special
reserves.

§5B. (1) In computing the income of a taxpayer for a taxation year,

(a) every amount received in the year in the course of a business

(i) that is on account of services not rendered or goods not delivered before the end of the year or that, for any other reason, may be regarded as not having been earned in the year or a previous year, or

(ii) under an arrangement or understanding that it is repayable in whole or in part on the return or resale to the taxpayer of articles in, or by means of, which goods were delivered to a customer, and not so repaid in the year,

shall be included;

(b) every amount receivable in respect of property sold or services rendered in the course of the business in the year shall be included notwithstanding that the amount is not receivable until a subsequent year unless the method adopted by the taxpayer for computing income from the business and accepted for the purpose of this Part does not require him to include any amount receivable in computing his income for a taxation year unless it has been received in the year;

(c) subject to subsection (3), where amounts of a class described in subparagraph (i) or (ii) of paragraph (a) have been included in computing the taxpayer's income from a business for the year or a previous year, there may be deducted a reasonable amount as a reserve in respect of

(i) goods that it is reasonably anticipated will have to be delivered after the end of the year,

(ii) services that it is reasonably anticipated will have to be rendered after the end of the year,

(iii) periods for which rent or other amounts for the possession or use of land or a ship have been paid in advance, or

(iv) repayments under arrangements or understandings of the class described in subparagraph (ii) of paragraph (a) that it is reasonably anticipated will have to be made after the end of the year on the return or resale to the taxpayer of articles other than bottles;

(d) where an amount has been included in computing the taxpayer's income from the business for the year or a previous year in respect of property sold in the course of the business and that amount is not receivable until a day

(i) more than two years after the day on which the property was sold, and

(ii) after the end of the taxation year,
there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and

(e) there shall be included the amounts deducted under paragraphs (c) and (d) in computing the income from a business for the immediately preceding year.

(2) Paragraphs (a) and (b) of subsection (1) are enacted for greater certainty and shall not be construed as implying that any amount not referred to therein is not to be included in computing the income from a business for a taxation year whether it is received or receivable in the year or not.

Interpreta-
tion.

Special
reserves.

(3) Where an amount is deductible in computing income for a taxation year under paragraph (c) of subsection (1) as a reserve in respect of

(a) articles of food or drink that it is reasonably anticipated will have to be delivered after the end of the year,

(b) transportation that it is reasonably anticipated will have to be provided after the end of the year, or

(c) amounts of the class described in subparagraph (ii) of paragraph (a) of subsection (1) that it is reasonably anticipated will have to be repaid after the end of the year,

there shall be substituted for the amount determined thereunder an amount not exceeding the aggregate of the amounts included in computing the taxpayer's income from the business for the year that were received or receivable (depending on the method regularly followed by the taxpayer in computing his profit) in the year in respect of

(d) articles of food or drink not delivered before the end of the year,

(e) transportation not provided before the end of the year, or

(f) articles not returned or resold to the taxpayer before the end of the year,

as the case may be.

Exception.

(4) Paragraph (c) of subsection (1) does not apply to allow a deduction as a reserve in respect of guarantees, indemnities or warranties.

Policy
reserves.

(5) Paragraph (c) of subsection (1) does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance corporation, may, in computing its income from its insurance business for a taxation year, deduct as policy reserves such amounts as have been approved for the purposes of this subsection by the Superintendent of Insurance.

Unearned
commissions.

(6) Paragraph (c) of subsection (1) does not apply to allow a deduction to an insurance agent or broker in respect of unearned commissions but a taxpayer may, in computing his income from a business as an insurance agent or broker for a taxation year, deduct as a reserve in respect of unearned commissions an amount equal to the proportion of an amount that has been included in computing his income for the year or a previous year as a commission in respect of an insurance contract, other than a life insurance contract, that

(a) the number of days in that portion of the period provided for in the insurance contract that is after the end of the taxation year,

is of

(b) the whole of that period.

(7) For the purposes of paragraph (e) of subsection (1), Interpretation. an amount determined under subsection (3) or an amount deducted under subsection (5) or (6) shall be deemed to have been deducted under paragraph (c) of subsection (1)."

(2) Section 85A of the said Act as enacted by subsection Application. (1) is applicable to the 1953 and subsequent taxation years in cases where the agreements were made after March 23, 1953.

(3) Section 85B of the said Act as enacted by subsection (1) is applicable to the 1953 and subsequent taxation years.

(4) For the purpose of computing income from a business for the 1953 taxation year, any amount that is or should be outstanding on the taxpayer's books at the end of the 1952 taxation year (if subsection (1) of section 85B of the said Act as enacted by this section had been applicable to that and all previous years) and that is, in effect, a reserve or other allowance in respect of one of the matters referred to in the said subsection (1) shall, to the extent that it, in fact, has not been included, or has been deducted, in computing the taxpayer's income from the business for the 1952 or a previous taxation year, be deemed, for the purposes of paragraph (e) of the said subsection (1), to be an amount deducted under paragraph (c) or (d) of the said subsection (1) in computing the income from the business for the 1952 taxation year.

(5) Where the amount that is deemed by subsection (4) to have been deducted under paragraph (c) or (d) of subsection (1) of section 85B of the said Act as enacted by this section in computing a taxpayer's income from a business for the 1952 taxation year exceeds the amount deductible under the said paragraph (c) or (d) in computing his income from the business for the 1953 taxation year, there may be deducted under the said paragraph (c) or (d) in addition to the amounts that would otherwise be deductible thereunder

(a) in computing his income from the business for the 1953 taxation year, 2/3 of the said excess, and

(b) in computing his income from the business for the 1954 taxation year, 1/3 of the said excess.

74. Subsection (7) of section 86 of the said Act is Income Tax Appeal Board. repealed and the following substituted therefor:

"(7) The Chairman shall be paid a salary of \$14,400 a year, the Assistant Chairman shall be paid a salary of \$13,000 a year, and each of the other members shall be paid a salary of \$11,000 a year."

75. (1) Section 89 of the said Act is repealed and the How appeal instituted. following substituted therefor:

“89. (1) An appeal to the Board shall be instituted by filing with the Registrar of the Income Tax Appeal Board three copies of a notice of appeal in such form as may be determined by the rules.

(2) The notice of appeal may be filed with the Registrar of the Income Tax Appeal Board by being sent to him at Ottawa by registered mail.

(3) When the three copies of the notice of appeal have been filed, and the filing fee of \$15 has been paid as required by section 90, the Registrar of the Income Tax Appeal Board shall forthwith transmit two copies of the notice of appeal to the office of the Deputy Minister of National Revenue for Taxation.

(4) Immediately after receiving the notice of appeal the Minister shall forward to the Board copies of all documents relevant to the assessment.”

(2) This section is applicable to appeals instituted after August, 1953.

Fee upon
filing
notice of
appeal.

76. (1) Subsection (1) of section 90 of the said Act is repealed and the following substituted therefor:

“90. (1) An appellant shall pay to the Registrar of the Income Tax Appeal Board a fee of \$15 upon the filing of the notice of appeal and if the appellant receives any of the relief sought on the ultimate disposition of the appeal by the Income Tax Appeal Board, the Exchequer Court of Canada or the Supreme Court of Canada, as the case may be, the fee shall be returned to the appellant after the ultimate disposition of the appeal but not otherwise.”

Disposal
of appeal.

77. (1) Paragraphs (b) to (d) inclusive of subsection (1) of section 92 of the said Act are repealed and the following substituted therefor:

“(b) allowing it, or

(c) allowing it and

(i) vacating the assessment,

(ii) varying the assessment, or

(iii) referring the assessment back to the Minister for reconsideration and re-assessment.”

Cross-appeal.

78. (1) Section 99 of the said Act is amended by adding thereto immediately after subsection (1) thereof the following subsections:

“(1a) If the respondent desires to appeal from a decision of the Income Tax Appeal Board, he may, instead of filing a notice of appeal under section 98, give notice by his reply (notwithstanding that it is filed and served after the expiration of the time for appeal fixed by section 60) by way of cross-appeal of his intention to contend that the decision of the Income Tax Appeal Board should be varied

and set out therein a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on in support of the contention.

(1b) Where a respondent has included in his reply a notice by way of cross-appeal, the appellant may file a reply to the cross-appeal and the provisions relating to a reply to the notice of appeal are applicable thereto *mutatis mutandis*.” Reply to cross-appeal.

79. (1) Paragraph (ii) of subsection (2) of section 105 of the said Act is repealed and the following substituted therefor: Corporation election.

“(ii) the aggregate of the amounts upon which it has previously paid tax under this subsection or under subsection (2a).”

(2) The said section 105 is further amended by adding the following subsection thereto immediately after subsection (2):

“(2a) A subsidiary controlled corporation that is subsidiary to a personal corporation and Idem.

(a) whose undistributed income on hand at the end of its 1949 taxation year, if any, did not exceed its tax-paid undistributed income as of that time, or

(b) which has paid the tax payable under subsection (1), may elect, in prescribed manner and in prescribed form, to be assessed, and to pay, a tax of 15% on an amount not exceeding

(i) the aggregate of the dividends declared by it that were paid by it when it was subsidiary to a personal corporation in the taxation years beginning with the 1950 taxation year and ending with the last complete taxation year before the election except such portion thereof as, by virtue of subsection (1) of section 141, has not been taken into account in computing income of shareholders of the corporation,

minus

(ii) the aggregate of the amounts upon which it has previously paid tax under this subsection plus the aggregate of the dividends defined by paragraph (i) that may reasonably be regarded as having been used as the basis for payment of tax under subsection (2).”

(3) Paragraph (b) of subsection (3) of the said section 105 is repealed and the following substituted therefor: Payment of tax with election.

“(b) if the election was made under subsection (2) or (2a), the amount of the tax that the corporation elected to pay.”

(4) Subsection (4) of the said section 105 is repealed and the following substituted therefor:

Deficient or
excessive
payment.

“(4) Where an election was made under subsection (2) or subsection (2a) and the amount of the tax paid with the election is in excess of or less than 15% of the amount on which, according to the election, the corporation elected to pay tax, the corporation shall be deemed to have elected to be assessed and to pay tax under that subsection on an amount equal to the lesser of

- (a) 100/15 of the amount of the tax so paid, or
- (b) the maximum amount on which it was entitled, at the time that the election was made, to elect under subsection (2) or subsection (2a), as the case may be, to be assessed and to pay tax.”

80. (1) The said Act is further amended by adding thereto immediately after Part II thereof the following Part:

“PART IIA.

TAX ON PREMIUMS PAID ON REDEMPTION
OR ACQUISITION OF CAPITAL STOCK.

Tax on
premium.

105A. (1) Where a corporation other than a non-resident-owned investment corporation has in a taxation year redeemed or acquired any of its shares, other than common shares, at a premium, the corporation shall, on or before the day on or before which it is required to file its return of income under Part I for the taxation year in which the shares were redeemed or acquired, pay a tax of 20% on the amount of the premium.

(2) For the purpose of this section, a share has been redeemed or acquired at a premium if the amount payable by the corporation in respect of the redemption or acquisition exceeds

- (a) the par value of the share, if it had a par value, or
- (b) if the share had no par value, the proportion of the paid-up capital of the corporation with respect to the class of shares to which the share belongs that one is of the number of issued shares in the class,

and the premium is the amount of the excess.

(3) A corporation may, on or before the day on or before which it is required to pay tax under subsection (1), elect, in prescribed manner and in prescribed form, to deduct an amount not exceeding the amount of its tax-paid undistributed income as of the time of the election from the amount of the premium on which it is liable to pay tax under subsection (1) and to pay the tax under subsection (1) on the balance, if any.

(4) Every corporation that has redeemed or acquired any of its shares other than common shares shall, on or before the day on or before which it is required to file its

return of income under Part I for the taxation year in which the shares were redeemed or acquired, file a return of the transaction in prescribed form.

(5) Where a corporation is liable to pay tax under subsection (1) and has failed to pay all or any part thereof on the day on or before which it was required to pay the tax, it shall, on payment of the amount in default, pay interest at 6% per annum from the day on or before which it was required to make the payment to the day of payment.

(6) Section 46 and sections 55 to 61 are applicable *mutatis mutandis* to this Part."

(2) This section is applicable

(a) to any acquisition of shares on or after February 20, 1953, and

(b) to any redemption of shares on or after April 30, 1953.

81. (1) Paragraph (b) of subsection (1) of section 106 of the said Act is repealed and the following substituted therefor: Interest.

"(b) interest except

(i) interest payable by a non-resident-owned investment corporation,

(ii) interest payable under bonds of or guaranteed by the Government of Canada, and

(iii) interest payable in a currency other than Canadian currency to a person with whom the payer is dealing at arm's length (for the purpose of this subparagraph, interest expressed to be computed by reference to Canadian currency shall be deemed to be payable in Canadian currency);"

(2) The said section 106 is further amended by adding the following subsections thereto:

"(7) Where by virtue of section 21, 22 or 23 there is included in computing a taxpayer's income under Part I for a taxation year an amount paid or credited to a non-resident person in the year, no tax is payable under this section on that amount.

(8) For the purposes of this section where a non-resident person pays or credits rent for the use in Canada of property, he shall be deemed in respect of that payment to be a person resident in Canada."

(3) Subsection (1) is applicable to amounts paid or credited after March, 1953, and subsection (2) is applicable to amounts paid or credited after April, 1953.

82. (1) Subsection (4) of section 108 of the said Act is repealed and the following substituted therefor:

"(4) Where a corporation has, before April 30, 1953, redeemed any of its shares at a premium, the premium shall Premium on redemption of shares.

be deemed, for the purposes of this Part, to have been paid as a dividend."

(2) Subsection (4) of the said section 108 as enacted by this section is applicable to amounts paid or credited after 1952.

Procedure.

§3. (1) Section 115 of the said Act is repealed and the following substituted therefor:

"**115.** The provisions of Division F of Part I, except sections 47 to 51 and sections 53 and 54, are applicable *mutatis mutandis* to this Part."

(2) This section is applicable to the 1953 and subsequent taxation years.

Certificates.

§4. Subsection (1) of section 119 of the said Act is repealed and the following substituted therefor:

"**119.** (1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may be certified by the Minister

(a) where there has been a direction by the Minister under subsection (2) of section 51, forthwith after such direction, and

(b) otherwise, upon the expiration of 30 days after the default."

Withholding taxes.

§5. Subsection (9) of section 123 of the said Act is repealed and the following substituted therefor:

"(9) Every person who has failed to remit or pay

(a) an amount deducted or withheld as required by this Act or a regulation, or

(b) an amount of tax that he is, by a regulation made under subsection (4) of section 109, required to pay, is liable to a penalty of 10% of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10% per annum."

§6. Subsection (1) of section 129 of the said Act is repealed and the following substituted therefor:

"**129.** (1) Every person who has failed to make a return as and when required by regulation under subsection (4) of section 109, by regulation under section 117 or by subsection (2) of section 123 is liable to a penalty of \$10 a day for each day of default but not exceeding in all \$2,500."

Penalty for failure to make returns.

§7. (1) Paragraph (f) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor:

"(f) 'child qualified for family allowance' means a child who, in the last month of the taxation year in respect

"Child qualified for family allowance."

of which the expression is being applied, was or might have been qualified by registration under the *Family Allowances Act*, so that an allowance under the said Act was or might have been payable in respect of that child for the immediately following month;”

(2) The said subsection (1) is further amended by adding thereto immediately following paragraph (l) thereof the following paragraphs:

“(la) ‘employee’ includes officer;

“Employee”

(lb) ‘employer’, in relation to an officer, means the person from whom the officer receives his remuneration;”

“Employer”

(3) The said section 139 is further amended by adding thereto the following subsection:

“(10) For greater certainty it is hereby declared that, where a document has been issued or a contract entered into (either before or after the coming into force of this subsection) purporting to create, to establish, to extinguish or to be in substitution for, a taxpayer’s right to an amount or amounts, immediately or in the future, out of or under a superannuation or pension fund or plan,

Contract under pension plan.

(a) if the rights provided for in the document or contract are rights provided for by the superannuation or pension plan or are rights to a payment or payments out of the superannuation or pension fund, any payment under the document or contract is a payment out of or under the superannuation or pension fund or plan and the taxpayer shall be deemed not to have received, by the issuance of the document or entering into the contract, an amount out of or under the superannuation or pension fund or plan, and

(b) if the rights created or established by the document or contract are not rights provided for by the superannuation or pension plan or a right to payments out of the superannuation or pension fund, an amount equal to the value of the rights created or established by the document or contract shall be deemed to have been received by the taxpayer out of or under the superannuation or pension fund or plan when the document was issued or the contract was entered into.”

(4) Subsections (1) and (2) are applicable to the 1953 and subsequent taxation years.

(5) Nothing in subsection (10) of section 139 of the said Act as enacted by this section is applicable in respect of any matter in respect of which an appeal is pending before the Income Tax Appeal Board or a court when section 42 of this Act comes into force.

88. Section 141 of the said Act is amended by adding the following subsections thereto:

S. 53 of c. 25 of Statutes of 1949.

“(10) There may be deducted in computing income for a taxation year under Part I an amount that would be deductible under section 53 of chapter 25 of the statutes of 1949 (Second Session) in computing income under *The 1948 Income Tax Act* if that Act were applicable to the taxation year.

Idem.

(11) There may be deducted from the tax for a taxation year otherwise payable under Part I an amount that would be deductible under section 53 of chapter 25 of the statutes of 1949 (Second Session) from the tax payable under Part I of *The 1948 Income Tax Act* if that Act were applicable to the taxation year.”

Coming
into force.

89. This Part shall come into force on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 41.

An Act to amend The Indian Act.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PART I.

1. Paragraph (a) of subsection (1) of section 69 of *The Indian Act*, chapter 29 of the statutes of 1951, is repealed and the following substituted therefor:

“(a) to make loans to bands, groups of Indians or individual Indians for the purchase of farm implements, machinery, livestock, motor vehicles, fishing equipment, seed grain, fencing materials, materials to be used in native handicrafts, any other equipment, and gasoline and other petroleum products, or for the making of repairs or the payment of wages, or for the clearing and breaking of land within reserves, or” Loans to Indians.

2. Subsection (1) of section 101 of the said Act is repealed and the following substituted therefor:

“101. (1) Whenever a peace officer or a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against section thirty-three, eighty-nine, ninety-two, ninety-three, ninety-four or ninety-six has been committed, he may seize all goods and chattels by means of or in relation to which he reasonably believes the offence was committed, and he may enter, open and search any place or thing in or upon which he reasonably believes any such goods or chattels may be found.” Seizure of goods.

3. Section 124 of the said Act is repealed and the following substituted therefor:

Prior grants
and sales
deemed
authorized.

"124. Where, prior to the fourth day of September, nineteen hundred and fifty-one, a reserve or portion of a reserve was released or surrendered to the Crown pursuant to Part I of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, or pursuant to the provisions of the statutes relating to the release or surrender of reserves in force at the time of the release or surrender, and

(a) prior to that date Letters Patent under the Great Seal of Canada were issued purporting to grant a reserve or portion of a reserve so released or surrendered, or any interest therein, to any person, and the Letters Patent have not been declared void or inoperative by any Court of competent jurisdiction, or

(b) prior to that date a reserve or portion of a reserve so released or surrendered, or any interest therein, was sold or agreed to be sold by the Crown to any person, and the sale or agreement for sale has not been cancelled or by any Court of competent jurisdiction declared void or inoperative,

the Letters Patent or the sale or agreement for sale, as the case may be, shall, for all purposes, be deemed to have been issued or made at the date thereof under the direction of the Governor in Council."

PART II.

4. Paragraph (a) of subsection (1) of section 69 of the *Indian Act*, chapter 149 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

Loans to
Indians.

"(a) to make loans to bands, groups of Indians or individual Indians for the purchase of farm implements, machinery, livestock, motor vehicles, fishing equipment, seed grain, fencing materials, materials to be used in native handicrafts, any other equipment, and gasoline and other petroleum products, or for the making of repairs or the payment of wages, or for the clearing and breaking of land within reserves, or"

5. Subsection (1) of section 101 of the said Act is repealed and the following substituted therefor:

Seizure
of goods.

"101. (1) Whenever a peace officer or a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against section 33, 89, 92, 93, 94 or 96 has been committed, he may seize all goods and chattels by means of or in relation to which he reasonably believes the offence was committed, and he may enter, open and search any place or thing in or upon which he reasonably believes any such goods or chattels may be found."

6. Section 123 of the said Act is repealed and the following substituted therefor:

"123. Where, prior to the 4th day of September, 1951, a reserve or portion of a reserve was released or surrendered to the Crown pursuant to Part I of the *Indian Act*, chapter 98 of the Revised Statutes of Canada, 1927, or pursuant to the provisions of the statutes relating to the release or surrender of reserves in force at the time of the release or surrender, and

Prior grants
and sales
deemed
authorized.

(a) prior to that date Letters Patent under the Great Seal of Canada were issued purporting to grant a reserve or portion of a reserve so released or surrendered, or any interest therein, to any person, and the Letters Patent have not been declared void or inoperative by any Court of competent jurisdiction, or

(b) prior to that date a reserve or portion of a reserve so released or surrendered, or any interest therein, was sold or agreed to be sold by the Crown to any person, and the sale or agreement for sale has not been cancelled or by any Court of competent jurisdiction declared void or inoperative,

the Letters Patent or the sale or agreement for sale, as the case may be, shall, for all purposes, be deemed to have been issued or made at the date thereof under the direction of the Governor in Council."

7. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Coming
into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953



1 - 2 ELIZABETH II.

CHAP. 42.

An Act to amend The National Housing Act, 1944.

[Assented to 14th May, 1953.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Paragraphs (a) and (b) of subsection (1) of section 3 of *The National Housing Act, 1944*, chapter 46 of the statutes of 1944-45, are repealed and the following substituted therefor:

- “(a) lend on the security of a first mortgage or hypothec in favour of Her Majesty and the lending institution jointly, pursuant to the provisions of Parts I, II and III of this Act, an amount not exceeding the maximum proportion of the lending value of a house specified in paragraph (c) of subsection two and subsection six of section four of this Act, or of the lending value of a rental housing project specified in paragraph (b) of subsection two of section eight of this Act, or an amount not exceeding the maximum specified in paragraphs (c) and (d) of subsection two of section fourteen of this Act;
- (b) purchase from the Corporation any first mortgage or any interest therein that the Corporation is by subsection three of section three B of this Act authorized to sell; and
- (c) upon such terms and conditions as may be agreed upon by the Corporation and the approved lending institutions, act as agent for the Corporation in the making or administration of loans that the Corporation is authorized to make.”

2. Section 3B of the said Act is amended by adding thereto the following subsection:

Corporation
may take
steps to safe-
guard
mortgage.

“(4) Where the Corporation has made a loan pursuant to this Act, the Corporation, to protect the mortgage security, may make supplementary loans to the borrower and take such other measures and steps as may be required in accordance with normal mortgage practice to safeguard the interests of Her Majesty and the Corporation.”

3. (1) Paragraph (c) of subsection (2) of section 4B of the said Act is repealed and the following substituted therefor:

“(c) the Corporation shall, in consideration of the payment by the builder of such amount as the Governor in Council may prescribe, agree to purchase from the builder within one year from the date of completion thereof at a price fixed in the said contract, any house built pursuant to the said contract that remains unsold.”

(2) Paragraph (a) of subsection (3) of section 4B of the said Act is repealed and the following substituted therefor:

“(a) that during such period as the Corporation requires, the builder shall offer the said houses for sale only to veterans or persons engaged in the production of defence supplies as defined in *The Defence Production Act*; and”

4. Section 7 of the said Act is repealed and the following substituted therefor:

Advances out
of C.R.F. to
make loans
and pay
losses.

“7. The Minister may, subject to and in accordance with the provisions of *The Central Mortgage and Housing Corporation Act*, out of the Consolidated Revenue Fund

(a) advance money to the Corporation for the purpose of making loans under this Part, and

(b) reimburse the Corporation

(i) for payments made by the Corporation pursuant to section three A of this Act, and

(ii) for losses sustained in respect of loans made under this Part, or sustained after the eighteenth day of January, nineteen hundred and forty-five, under *The Dominion Housing Act, 1935*, or *The National Housing Act, 1938*,

but the aggregate of the money advanced to the Corporation under this section and the amounts by which the Corporation is reimbursed under this section shall not exceed five hundred million dollars.”

5. Paragraph (b) of subsection (4) of section 8A of the said Act is repealed and the following substituted therefor:

“(b) that the rent to be charged in respect of each unit of the project shall not exceed, during the first three years after the completion of the unit, an amount to be determined by the Corporation;”

6. Section 12 of the said Act is repealed and the following substituted therefor:

"12. (1) In order to assist in the clearance, replanning, rehabilitation and modernization of slum areas or blighted or substandard areas in any municipality, the Minister, with the approval of the Governor in Council, may enter into an agreement with the municipality providing for the payment of a grant to the municipality in order to assist in defraying the cost to the municipality of acquiring and clearing, whether by condemnation proceedings or otherwise, an area of land suitable either as a location for a low cost or moderate cost rental housing project or for any federal, provincial or municipal public purpose.

Grants to municipalities for clearance of slum areas.

(2) An agreement entered into under subsection one shall provide

Agreement with municipality.

(a) that the municipality will acquire and clear the area at an estimated cost to be fixed by the agreement and that the area will be developed in accordance or in harmony with an official community plan satisfactory to the Minister;

(b) that the municipality will sell the area, or some other area of a size sufficient to house at least the same number of persons as are living in the area to be cleared,

(i) to a limited-dividend housing company or a life insurance company for the construction thereon of a rental housing project under section nine or eleven, or

(ii) to the government of the province in which the area is situated and the Corporation jointly for the construction thereon of a rental housing project under section thirty-five;

(c) for the payment by the Minister of a grant to the municipality in accordance with this section; and

(d) such other provisions as the Minister deems necessary or advisable for the proper carrying out of the purposes and provisions of this section.

(3) No grant shall be paid to a municipality under this section unless

Conditions of grant.

(a) the government of the province in which the area is situated has approved the acquisition and clearance thereof by the municipality;

(b) the cost of acquisition and clearance, including cost of condemnation proceedings, less the amount of the grant under this section in respect thereof, is borne by the municipality or jointly by the municipality and the government of the province; and

(c) the cleared area, or some other area of a size sufficient to house at least the same number of persons as were living in the cleared area,

- (i) has been sold or agreed to be sold to a limited-dividend housing company or a life insurance company that has agreed to construct thereon a rental housing project under section nine or eleven at a price that in the opinion of the Minister will enable the housing units of the project to be leased to tenants on a fair and reasonable basis, or
- (ii) has been sold or agreed to be sold jointly to the Corporation and the province, the government of which has entered into an agreement with the Government of Canada under section thirty-five for the construction of houses thereon for sale or for rent.

Amount of grant.

(4) A grant under this section shall not exceed one-half of the amount by which the lesser of

- (a) the cost of acquisition and clearance, including cost of condemnation proceedings, as estimated in the agreement between the Minister and the municipality, or
- (b) the actual cost of acquisition and clearance, including cost of condemnation proceedings,

exceeds

- (c) the price at which the area was sold, where it was sold for the construction thereon of a housing project under section nine, eleven or thirty-five, or
- (d) the value of the area after clearance, where some other area was sold for the construction thereon of a housing project under section nine, eleven or thirty-five.

Limitation on cost of project under s. 35 in slum area.

(5) Where a project is undertaken under section thirty-five in a slum, blighted or substandard area, for the purpose of calculating the Corporation's share of the capital cost of the project, the cost of acquisition of the land for the project shall be an amount that in the opinion of the Minister represents a fair and reasonable price for the land, not including any amount in respect of the cost of clearing the land.

C.R.F.

(6) Grants under this section shall be paid out of the Consolidated Revenue Fund but the aggregate amount thereof shall not exceed twenty million dollars.

Regulations

(7) The Governor in Council may make regulations respecting the manner in which costs are to be determined for the purposes of this section and providing for such other matters as may be deemed necessary and desirable for the carrying out of the purposes or provisions of this section."

7. Section 13 of the said Act is repealed and the following substituted therefor:

Advances out of C.R.F. to make loans and pay losses.

"13. The Minister may, subject to and in accordance with the provisions of *The Central Mortgage and Housing Corporation Act*, out of the Consolidated Revenue Fund,

- (a) advance money to the Corporation, not exceeding in the aggregate two hundred and fifty million dollars, for the purpose of making loans under this Part, and
 (b) reimburse the Corporation for payments made by it under any guarantee given under this Part."

PART II.

8. Paragraphs (a) and (b) of subsection (1) of section 3 of the *National Housing Act*, chapter 188 of the Revised Statutes of Canada, 1952, are repealed and the following substituted therefor:

- "(a) lend on the security of a first mortgage or hypothec in favour of Her Majesty and the lending institution jointly, pursuant to the provisions of Parts I, II and III, an amount not exceeding the maximum proportion of the lending value of a house specified in paragraph (c) of subsection (2) and subsection (6) of section 7, or of the lending value of a rental housing project specified in paragraph (b) of subsection (2) of section 13, or an amount not exceeding the maximum specified in paragraphs (c) and (d) of subsection (2) of section 24;
 (b) purchase from the Corporation any first mortgage or any interest therein that the Corporation is by subsection (3) of section 5 authorized to sell; and
 (c) upon such terms and conditions as may be agreed upon by the Corporation and the approved lending institutions, act as agent for the Corporation in the making or administration of loans that the Corporation is authorized to make."

9. Section 5 of the said Act is amended by adding thereto the following subsection:

- "(4) Where the Corporation has made a loan pursuant to this Act, the Corporation, to protect the mortgage security, may make supplementary loans to the borrower and take such other measures and steps as may be required in accordance with normal mortgage practice to safeguard the interests of Her Majesty and the Corporation."

Corporation
may take
steps to
safeguard
mortgage.

10. (1) Paragraph (c) of subsection (2) of section 9 of the said Act is repealed and the following substituted therefor:

- "(c) the Corporation shall, in consideration of the payment by the builder of such amount as the Governor in Council may prescribe, agree to purchase from the builder within one year from the date of completion thereof at a price fixed in the said contract, any house built pursuant to the said contract that remains unsold."

(2) Paragraph (a) of subsection (3) of section 9 of the said Act is repealed and the following substituted therefor:

“(a) that during such period as the Corporation requires, the builder shall offer the said houses for sale only to veterans or persons engaged in the production of defence supplies as defined in the *Defence Production Act*; and”

11. Section 12 of the said Act is repealed and the following substituted therefor:

Advances out of C.R.F. to make loans and pay losses.

“12. The Minister may, subject to and in accordance with the provisions of the *Central Mortgage and Housing Corporation Act*, out of the Consolidated Revenue Fund

(a) advance money to the Corporation for the purpose of making loans under this Part, and

(b) reimburse the Corporation

(i) for payments made by the Corporation pursuant to section 4, and

(ii) for losses sustained in respect of loans made under this Part, or sustained after the 18th day of January, 1945, under *The Dominion Housing Act, 1935*, or *The National Housing Act, 1938*,

but the aggregate of the money advanced to the Corporation under this section and the amounts by which the Corporation is reimbursed under this section shall not exceed five hundred million dollars.”

12. Paragraph (b) of subsection (4) of section 14 of the said Act is repealed and the following substituted therefor:

“(b) that the rent to be charged in respect of each unit of the project shall not exceed, during the first three years after the completion of the unit, an amount to be determined by the Corporation;”

13. Section 22 of the said Act is repealed and the following substituted therefor:

Grants to municipalities for clearance of slum areas.

“22. (1) In order to assist in the clearance, replanning, rehabilitation and modernization of slum areas or blighted or substandard areas in any municipality, the Minister, with the approval of the Governor in Council, may enter into an agreement with the municipality providing for the payment of a grant to the municipality in order to assist in defraying the cost to the municipality of acquiring and clearing, whether by condemnation proceedings or otherwise, an area of land suitable either as a location for a low cost or moderate cost rental housing project or for any federal, provincial or municipal public purpose.

Agreement with municipality.

(2) An agreement entered into under subsection (1) shall provide

- (a) that the municipality will acquire and clear the area at an estimated cost to be fixed by the agreement and that the area will be developed in accordance or in harmony with an official community plan satisfactory to the Minister;
- (b) that the municipality will sell the area, or some other area of a size sufficient to house at least the same number of persons as are living in the area to be cleared,
 - (i) to a limited-dividend housing company or a life insurance company for the construction thereon of a rental housing project under section 16 or 19, or
 - (ii) to the government of the province in which the area is situated and the Corporation jointly for the construction thereon of a rental housing project under section 46;
- (c) for the payment by the Minister of a grant to the municipality in accordance with this section; and
- (d) such other provisions as the Minister deems necessary or advisable for the proper carrying out of the purposes and provisions of this section.

Conditions
of grant.

(3) No grant shall be paid to a municipality under this section unless

- (a) the government of the province in which the area is situated has approved the acquisition and clearance thereof by the municipality;
- (b) the cost of acquisition and clearance, including cost of condemnation proceedings, less the amount of the grant under this section in respect thereof, is borne by the municipality or jointly by the municipality and the government of the province; and
- (c) the cleared area, or some other area of a size sufficient to house at least the same number of persons as were living in the cleared area,
 - (i) has been sold or agreed to be sold to a limited-dividend housing company or a life insurance company that has agreed to construct thereon a rental housing project under section 16 or 19 at a price that in the opinion of the Minister will enable the housing units of the project to be leased to tenants on a fair and reasonable basis, or
 - (ii) has been sold or agreed to be sold jointly to the Corporation and the province, the government of which has entered into an agreement with the Government of Canada under section 46 for the construction of houses thereon for sale or for rent.

Amount of
grant.

(4) A grant under this section shall not exceed one-half of the amount by which the lesser of

- (a) the cost of acquisition and clearance, including cost of condemnation proceedings, as estimated in the agreement between the Minister and the municipality, or
- (b) the actual cost of acquisition and clearance, including cost of condemnation proceedings, exceeds
- (c) the price at which the area was sold, where it was sold for the construction thereon of a housing project under section 16, 19 or 46, or
- (d) the value of the area after clearance, where some other area was sold for the construction thereon of a housing project under section 16, 19 or 46.

Limitation on cost of project under s. 46 in slum area.

(5) Where a project is undertaken under section 46 in a slum, blighted or substandard area, for the purpose of calculating the Corporation's share of the capital cost of the project, the cost of acquisition of the land for the project shall be an amount that in the opinion of the Minister represents a fair and reasonable price for the land, not including any amount in respect of the cost of clearing the land.

C.R.F.

(6) Grants under this section shall be paid out of the Consolidated Revenue Fund but the aggregate amount thereof shall not exceed twenty million dollars.

Regulations

(7) The Governor in Council may make regulations respecting the manner in which costs are to be determined for the purposes of this section and providing for such other matters as may be deemed necessary and desirable for the carrying out of the purposes or provisions of this section."

14. Section 23 of the said Act is repealed and the following substituted therefor:

Advances out of C.R.F. to make loans and pay losses.

"**23.** The Minister may, subject to and in accordance with the provisions of the *Central Mortgage and Housing Corporation Act*, out of the Consolidated Revenue Fund,

- (a) advance money to the Corporation, not exceeding in the aggregate two hundred and fifty million dollars, for the purpose of making loans under this Part, and
- (b) reimburse the Corporation for payments made by it under any guarantee given under this Part."

Coming into force.

Repeal.

15. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

1 - 2 ELIZABETH II.

CHAP. 43.

An Act to implement a Convention between Canada and the United States for the Preservation of the Halibut Fishery.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Northern Pacific Halibut Fishery Convention Act*. Short title.

INTERPRETATION.

2. In this Act,

- | | |
|--|-------------------------------|
| (a) "Commission" means the International Pacific Halibut Commission established under the Convention; | Definitions. "Commission". |
| (b) "Convention" means the Convention between Canada and the United States for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea set out in the Schedule; | "Convention". |
| (c) "convention waters" means the territorial waters and the high seas off the western coasts of Canada and the United States and the southern and western coasts of Alaska; | "Convention waters". |
| (d) "fishing vessel" means any vessel used in or outfitted for | "Fishing vessel". |
| (i) catching or processing fish, or | |
| (ii) transporting fish from fishing grounds; | |
| (e) "halibut" means the species of fish known as <i>hippoglossus</i> ; | "Halibut". |
| (f) "Minister" means the Minister of Fisheries; | "Minister". |
| (g) "Protection Officer" means | "Protection Officer". |
| (i) a fishery officer within the meaning of the <i>Fisheries Act</i> , | |

- (ii) an officer of the Royal Canadian Mounted Police,
- (iii) a commissioned officer of the Royal Canadian Navy, or
- (iv) any other person authorized by the Governor in Council to enforce this Act;

and

“Regulations”.

(h) “regulations” means regulations made under this Act.

GENERAL.

Convention approved.

3. The Convention is hereby approved and confirmed.

Regulations

4. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and anything done by the Commission thereunder.

SEIZURE AND FORFEITURE.

Seizure for offence.

5. (1) A Protection Officer may, anywhere in the convention waters except the territorial waters of the United States, seize

- (a) any fishing vessel belonging to or operated by a citizen, national or resident of Canada by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed;
- (b) any fishing vessel belonging to or operated by a citizen, national or resident of the United States by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed in the territorial waters of Canada;
- (c) any goods aboard a fishing vessel described in paragraph (a) or (b), including fish, tackle, rigging, apparel, furniture, stores and cargo; or
- (d) a fishing vessel described in paragraph (a) or (b) and any of the goods mentioned in paragraph (c).

Arrest for offence.

(2) A Protection Officer may, anywhere in the convention waters except the territorial waters of the United States, arrest without warrant,

- (a) any citizen, national or resident of Canada whom he on reasonable grounds suspects of having committed an offence against this Act; or
- (b) any citizen, national or resident of the United States whom he on reasonable grounds suspects of having committed an offence against this Act in the territorial waters of Canada.

Custody of seized vessels, etc.

(3) Subject to this section, the fishing vessel and goods seized under subsection (1) shall be retained in the custody of the Protection Officer making the seizure or shall be delivered into the custody of such person as the Minister may direct.

(4) Where fish or other perishable articles are seized under subsection (1) the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

Perishable goods.

(5) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that

Court may order forfeiture.

(a) any fishing vessel seized under subsection (1) by means of or in relation to which the offence was committed,

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4), the proceeds thereof, or

(c) the fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof, be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure, order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

Re-delivery on bond.

(7) Any fishing vessel or goods seized under subsection (1) or the proceeds realized from a sale thereof under subsection (4) shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the offence, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the offence are instituted.

Seized vessel, etc., to be returned unless proceedings instituted.

(8) Where proceedings in respect of an offence against this Act have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

Disposal of forfeited vessel, etc.

(9) Where a fishing vessel or goods have been seized under subsection (1) and proceedings in respect of the offence have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under subsection (4) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods

Return of seized vessel, etc., if no forfeiture ordered.

may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under subsection (4) may be applied in payment of the fine.

Seizure for
violation of
Convention.

6. (1) Whenever a Protection Officer suspects on reasonable grounds that any provision of the Convention or the regulations made thereunder have been violated, anywhere in convention waters except the territorial waters of Canada or the United States, he may, in accordance with the provisions of the Convention, anywhere in the convention waters except the territorial waters of the United States, seize and detain

(a) any fishing vessel belonging to or operated by a national or inhabitant of the United States by means of or in relation to which he suspects on reasonable grounds that the violation was committed;

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo; or

(c) the fishing vessel and any of the goods mentioned in paragraph (b).

Arrest for
violation of
Convention.

(2) A Protection Officer may, in accordance with the provisions of the Convention, anywhere in convention waters except the territorial waters of the United States, arrest and detain without warrant any national or inhabitant of the United States whom he on reasonable grounds suspects of having violated, anywhere in convention waters except the territorial waters of Canada or the United States, any provision of the Convention or the regulations made thereunder.

Delivery
of person,
vessel, etc.,
to official of
United
States.

(3) Whenever, pursuant to this section,

(a) a person is arrested and detained, or

(b) a vessel or goods are seized and detained,

such person, vessel or goods shall, in accordance with the provisions of the Convention, as soon as practicable at the place nearest to the place of seizure or at such other place as may be agreed upon, be delivered by the Protection Officer who made the seizure to an authorized official of the United States to be dealt with in accordance with the law of the United States.

OFFENCES AND PENALTIES.

Offences.

7. Every person is guilty of an offence who,

(a) except as provided by the regulations or the Convention, fishes for, catches, or attempts to catch halibut in the territorial waters of Canada within convention waters;

- (b) being a citizen, national or resident of Canada, or being a member of the crew of a fishing vessel owned by a citizen, national or resident of Canada, fishes for, catches or attempts to catch halibut in convention waters, except as provided by the regulations or the Convention;
- (c) lands or attempts to land at any port or place within Canada any halibut caught in contravention of the Convention or any regulation made thereunder;
- (d) knowingly has in his possession any halibut caught in contravention of the Convention or any regulation made thereunder; or
- (e) violates any regulation.

8. Every owner or master of a fishing vessel that enters any port or place in Canada Offences.

- (a) while upon or in the prosecution of any voyage at any time during which it was used in fishing for halibut in convention waters, except in accordance with the Convention and the regulations made thereunder; or
- (b) that has on board any halibut caught while fishing for halibut in convention waters, except in accordance with the Convention and the regulations made thereunder;

is guilty of an offence.

9. Every person who is guilty of an offence against this Act is liable upon summary conviction to a fine of not less than one hundred dollars and not more than one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment. Penalty.

JURISDICTION OF COURTS.

10. All courts, justices of the peace, and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 681 to 684 of the *Canada Shipping Act, 1934*, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 1934*. Jurisdiction.

REPEAL AND COMING INTO FORCE.

11. (1) This Act shall come into force on a day to be fixed by proclamation of the Governor in Council and shall continue in force until a day to be fixed by proclamation of the Governor in Council following upon the termination of the Convention, and no longer. Coming into force.

- Repeal. (2) If this Act comes into force before the day on which the Revised Statutes of Canada, 1952, come into force, then, on the day this Act comes into force, *The Northern Pacific Halibut Fishery (Convention) Act, 1937*, chapter 36 of the statutes of 1937, is repealed and, on the day the Revised Statutes of Canada, 1952, come into force
- (a) the *Northern Pacific Halibut Fishery (Convention) Act*, chapter 194 of the Revised Statutes of Canada, 1952, is repealed; and
- Transitional. (b) section 10 of this Act is repealed and the following substituted therefor:
- “10. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.”
- Repeal. (3) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952, come into force, then, on the day this Act comes into force,
- (a) the *Northern Pacific Halibut Fishery (Convention) Act*, chapter 194 of the Revised Statutes of Canada, 1952, is repealed; and
- Transitional. (b) section 10 of this Act is repealed and the following substituted therefor:
- “10. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.”

SCHEDULE.

CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA
FOR THE PRESERVATION OF THE HALIBUT FISHERY OF
THE NORTHERN PACIFIC OCEAN AND BERING SEA.

The Government of Canada and the Government of the United States of America, desiring to provide more effectively for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, have resolved to conclude a Convention replacing the Convention signed at Ottawa, January 29, 1937 and have named as their plenipotentiaries:

THE GOVERNMENT OF CANADA:

The Honourable James Sinclair,
Minister of Fisheries.

The Honourable Hugues Lapointe,
Minister of Veterans Affairs.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

The Honourable Don C. Bliss,
Charge d'Affaires ad interim.

The Honourable William C. Herrington,
Special Assistant for Fisheries and Wildlife to the Under-
Secretary of State.

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

1. The nationals and inhabitants and fishing vessels and boats of Canada and of the United States of America, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) in Convention waters as herein defined, except as provided by the International Pacific Halibut Commission in regulations designed to develop the stocks of halibut in the Convention waters to those levels which will permit the maximum sustained yield and to maintain the stocks at those levels pursuant to Article III of this Convention.

2. "Convention waters" means the territorial waters and the high seas off the western coasts of Canada and of the United States of America, including the southern as well as the western coasts of Alaska.

3. It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of Canada or of the United States of America from fishing in the Convention waters for other species of fish during any season when fishing for halibut in the Convention waters is prohibited by this Convention or any regulations adopted pursuant to this Convention. It is further understood that nothing contained in this Convention shall prohibit the International Pacific Halibut Commission from conducting or authorizing fishing operations for investigation purposes at any time.

ARTICLE II.

1. Every national or inhabitant, vessel or boat of Canada or of the United States of America engaged in fishing on the high seas in violation of this Convention or of any regulation adopted pursuant thereto may be seized by duly authorized officers of either Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure or elsewhere as may be agreed upon. The authorities of the country to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention or any regulations which may be adopted in pursuance thereof and to impose penalties for such violation, and the witnesses and proof necessary for such prosecutions, so far as any witnesses or proofs are under the control of the other Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

2. Each Contracting Party shall be responsible for the proper observance of this Convention and of any regulations adopted under the provisions thereof in the portion of its waters covered thereby.

ARTICLE III.

1. The Contracting Parties agree to continue under this Convention the Commission known as the International Fisheries Commission established by the Convention for the preservation of the halibut fishery, signed at Washington, March 2, 1923, continued by the Convention signed at Ottawa, May 9, 1930 and further continued by the Convention, signed at Ottawa, January 29, 1937, except that after the date of entry into force of this Convention it shall consist of six members, three appointed by each Contracting Party, and shall be known as the International Pacific Halibut Commission. This Commission shall make such investigations as are necessary into the life history of the halibut in the Convention waters and shall publish a report of its activities and investigations from time to time. Each Contracting Party shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Com-

mission. Each Contracting Party shall pay the salaries and expenses of its own members. Joint expenses incurred by the Commission shall be paid by the two Contracting Parties in equal moieties. All decisions of the Commission shall be made by a concurring vote of at least two of the Commissioners of each Contracting Party.

2. The Contracting Parties agree that for the purpose of developing the stocks of halibut of the Northern Pacific Ocean and Bering Sea to levels which will permit the maximum sustained yield from that fishery and for maintaining the stocks at those levels, the International Pacific Halibut Commission, with the approval of the Governor General in Council of Canada and of the President of the United States of America, may, after investigation has indicated such action to be necessary, in respect of the nationals and inhabitants and fishing vessels and boats of Canada and of the United States of America, and in respect of halibut:

- (a) divide the Convention waters into areas;
- (b) establish one or more open or closed seasons, as to each area;
- (c) limit the size of the fish and the quantity of the catch to be taken from each area within any season during which fishing is allowed;
- (d) during both open and closed seasons, permit, limit, regulate or prohibit, the incidental catch of halibut that may be taken, retained, possessed, or landed from each area or portion of an area, by vessels fishing for other species of fish;
- (e) prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgment of the International Pacific Halibut Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (c) of this paragraph;
- (f) fix the size and character of halibut fishing appliances to be used in any area;
- (g) make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;
- (h) close to all taking of halibut such portion or portions of an area or areas as the International Pacific Halibut Commission finds to be populated by small, immature halibut and designates as nursery grounds.

ARTICLE IV.

The Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulation adopted thereunder, with appropriate penalties for violations thereof.

ARTICLE V.

1. This Convention shall be ratified and the instruments of ratification exchanged at Washington as soon as possible.

2. This Convention shall enter into force on the date of exchange of ratifications and shall remain in force for a period of five years and thereafter until two years from the date on which either Contracting Party shall have given notice to the other of its desire to terminate it.

3. This Convention shall, from the date of the exchange of ratifications, replace and terminate the Convention for the preservation of the halibut fishery signed at Ottawa, January 29, 1937.

IN WITNESS WHEREOF the respective plenipotentiaries have signed and sealed this Convention.

DONE at Ottawa in duplicate, in the English language, this second day of March 1953.

FOR THE GOVERNMENT OF CANADA:

James Sinclair
Hugues Lapointe

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Don C. Bliss
William C. Herrington

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 44.

An Act to implement the International Convention for the High Seas Fisheries of the North Pacific Ocean.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- 1.** This Act may be cited as the *North Pacific Fisheries Convention Act*. Short title.
- 2.** In this Act
- (a) "Commission" means the International North Pacific Fisheries Commission established under the Convention; Definitions.
"Commission".
- (b) "Convention" means the International Convention for the High Seas Fisheries of the North Pacific Ocean and the Protocol thereto, set out in the Schedule; "Convention".
- (c) "Convention area" means all waters, other than territorial waters, of the North Pacific Ocean including the adjacent seas; "Convention area".
- (d) "fishing vessel" means any vessel used in or outfitted for catching fish or processing or transporting fish loaded on the high seas; "Fishing vessel".
- (e) "Minister" means the Minister of Fisheries; "Minister".
- (f) "Protection Officer" means "Protection Officer".
- (i) a fishery officer within the meaning of the *Fisheries Act*,
- (ii) an officer of the Royal Canadian Mounted Police,
- (iii) any commissioned officer of the Royal Canadian Navy, or
- (iv) any other person authorized by the Governor in Council to enforce this Act.

- 3.** The Convention is hereby approved and confirmed. Convention approved.

Regulations.

4. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and any recommendations of the Commission, and without restricting the generality of the foregoing, may make regulations

- (a) for the conservation and protection of fish in the Convention area;
- (b) prohibiting, limiting or otherwise regulating
 - (i) the exploitation by citizens or residents of Canada or by Canadian fishing vessels of any stocks of fish in any part of the Convention area,
 - (ii) the loading, processing, transporting or possession of any stocks of fish in or from any part of the Convention area, and
 - (iii) the landing, importation, sale or other disposal of fish caught in any part of the Convention area;
- (c) respecting the operation of fishing vessels and the use of fishing gear in the Convention area;
- (d) providing for the issue, suspension and cancellation of licences for the purposes of this Act, and prescribing their terms, conditions and forms and fixing the fees for the issue of licences;
- (e) for the seizure, forfeiture and disposition of fishing vessels including equipment or fishing gear, or fish, by means of or in relation to which any of the provisions of the Act or the regulations have been contravened;
- (f) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and
- (g) prescribing the penalties that may be imposed, either on summary conviction or on conviction on indictment, for violation of any regulation by any person in Canada or on, from or by means of any fishing vessels.

Boarding
and search
of vessels.

5. When a fishing vessel of Canada or of the United States of America or of Japan, or belonging to or operated by a citizen, national or resident of any of those countries is found in waters in which that country has by or under the provisions of the Convention agreed to abstain from exploitation, a Protection Officer may in accordance with the provisions of the Convention board such vessel and inspect its equipment, books, documents and other articles, and question the persons on board.

Seizure and
arrest for
violation of
Convention.

6. (1) When a fishing vessel of Canada or the United States of America or Japan or person on board thereof is found engaging in operations in violation of the provisions

of the Convention, or there is reasonable ground to believe that the vessel or person was so engaged immediately prior to the boarding of the vessel, a Protection Officer may in accordance with the provisions of the Convention arrest or seize such fishing vessel or person.

(2) If the fishing vessel seized as provided in subsection (1) belongs to or is operated by a citizen, national or resident of the United States of America or of Japan, or the person arrested as provided in subsection (1) is a citizen, national or resident of either of those countries, the Protection Officer shall immediately notify the Minister of such seizure or arrest and keep in custody the vessel or person pending delivery to the authorized officials of the country to which such person or vessel belongs in accordance with the provisions of the Convention and the directions of the Minister. Procedure.

(3) If the fishing vessel seized as provided in subsection (1) belongs to or is operated by a Canadian citizen or a resident of Canada, or the person arrested as provided in subsection (1) is a Canadian citizen or resident of Canada, the vessel or person shall be dealt with in accordance with the regulations. Violation by Canadian citizens or vessels.

7. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 681 to 684 of the *Canada Shipping Act, 1934*, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act, 1934*. Jurisdiction of courts.

8. This Act shall continue in force until a day fixed by proclamation of the Governor in Council following termination of the Convention in accordance with the provisions thereof, and no longer. Duration.

9. Upon the coming into force of the Revised Statutes of Canada, 1952, section 7 of this Act is repealed and the following substituted therefor: Transitional.

“7. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.” Jurisdiction of courts.

SCHEDULE.

INTERNATIONAL CONVENTION FOR THE HIGH SEAS
FISHERIES OF THE NORTH PACIFIC OCEAN.

The Governments of Canada, Japan and the United States of America, whose respective duly accredited representatives have subscribed hereto,

Acting as sovereign nations in the light of their rights under the principles of international law and custom to exploit the fishery resources of the high seas, and

Believing that it will best serve the common interest of mankind, as well as the interests of the Contracting Parties, to ensure the maximum sustained productivity of the fishery resources of the North Pacific Ocean, and that each of the Parties should assume an obligation, on a free and equal footing, to encourage the conservation of such resources, and

Recognizing that in view of these considerations it is highly desirable (1) to establish an International Commission, representing the three Parties hereto, to promote and coordinate the scientific studies necessary to ascertain the conservation measures required to secure the maximum sustained productivity of fisheries of joint interest to the Contracting Parties and to recommend such measures to such Parties and (2) that each Party carry out such conservation recommendations, and provide for necessary restraints on its own nationals and fishing vessels,

Therefore agree as follows:

ARTICLE I.

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, other than territorial waters, of the North Pacific Ocean which for the purposes hereof shall include the adjacent seas.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. For the purposes of this Convention the term "fishing vessel" shall mean any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

ARTICLE II.

1. In order to realize the objectives of this Convention, the Contracting Parties shall establish and maintain the International North Pacific Fisheries Commission, hereinafter referred to as "the Commission".

2. The Commission shall be composed of three national sections, each consisting of not more than four members appointed by the governments of the respective Contracting Parties.

3. Each national section shall have one vote. All resolutions, recommendations and other decisions of the Commission shall be made only by a unanimous vote of the three national sections except when under the provisions of Article III, Section 1 (c) (ii) only two participate.

4. The Commission may decide upon and amend, as occasion may require, by-laws or rules for the conduct of its meetings.

5. The Commission shall meet at least once each year and at such other times as may be requested by a majority of the national sections. The date and place of the first meeting shall be determined by agreement between the Contracting Parties.

6. At its first meeting the Commission shall select a Chairman, Vice-Chairman and Secretary from different national sections. The Chairman, Vice-Chairman and Secretary shall hold office for a period of one year. During succeeding years selection of a Chairman, Vice-Chairman and Secretary from the national sections shall be made in such a manner as will provide each Contracting Party in turn with representation in those offices.

7. The Commission shall decide on a convenient place for the establishment of the Commission's headquarters.

8. Each Contracting Party may establish an Advisory Committee for its national section, to be composed of persons who shall be well informed concerning North Pacific fishery problems of common concern. Each such Advisory Committee shall be invited to attend all sessions of the Commission except those which the Commission decides to be *in camera*.

9. The Commission may hold public hearings. Each national section may also hold public hearings within its own country.

10. The official languages of the Commission shall be Japanese and English. Proposals and data may be submitted to the Commission in either language.

11. Each Contracting Party shall determine and pay the expenses incurred by its national section. Joint expenses incurred by the Commission shall be paid by the Commission through contributions made by the Contracting Parties in the form and proportion recommended by the Commission and approved by the Contracting Parties.

12. An annual budget of joint expenses shall be recommended by the Commission and submitted to the Contracting Parties for approval.

13. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission and may employ personnel and acquire facilities necessary for the performance of its functions.

ARTICLE III.

1. The Commission shall perform the following functions:

- (a) In regard to any stock of fish specified in the Annex, study for the purpose of determining annually whether such stock continues to qualify for abstention under the provisions of Article IV. If the Commission determines that such stock no longer meets the conditions of Article IV, the Commission shall recommend that it be removed from the Annex. Provided, however, that with respect to the stocks of fish originally specified in the Annex, no determination or recommendation as to whether such stock continues to qualify for abstention shall be made for five years after the entry into force of this Convention.
- (b) To permit later additions to the Annex, study, on request of a Contracting Party, any stock of fish of the Convention area, the greater part of which is harvested by one or more of the Contracting Parties, for the purpose of determining whether such stock qualifies for abstention under the provisions of Article IV. If the Commission decides that the particular stock fulfills the conditions of Article IV it shall recommend, (1) that such stock be added to the Annex, (2) that the appropriate Party or Parties abstain from fishing such stock and (3) that the Party or Parties participating in the fishing of such stock continue to carry out necessary conservation measures.
- (c) In regard to any stock of fish in the Convention area;
 - (i) Study, on request of any Contracting Party concerned, any stock of fish which is under substantial exploitation by two or more of the Contracting Parties, and which is not covered by a conservation agreement between such Parties existing at the time of the conclusion of this Convention, for the purpose of determining need for joint conservation measures;
 - (ii) Decide and recommend necessary joint conservation measures including any relaxation thereof to be taken as a result of such study. Provided, however, that only the national sections of the Contracting Parties engaged in substantial exploitation of such stock of fish may participate in such decision and recommendation. The decisions and recommendations shall be reported regularly to all the Contracting Parties, but shall apply only to the Contracting Parties the national sections of which participated in the decisions and recommendations.
 - (iii) Request the Contracting Party or Parties concerned to report regularly the conservation measures adopted from time to time with regard to the stocks of fish specified in the Annex, whether or not covered by conservation

agreements between the Contracting Parties, and transmit such information to the other Contracting Party or Parties.

- (d) Consider and make recommendations to the Contracting Parties concerning the enactment of schedules of equivalent penalties for violations of this Convention.
- (e) Compile and study the records provided by the Contracting Parties pursuant to Article VIII.
- (f) Submit annually to each Contracting Party a report on the Commission's operations, investigations and findings, with appropriate recommendations, and inform each Contracting Party, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

2. The Commission may take such steps, in agreement with the Parties concerned, as will enable it to determine the extent to which the undertakings agreed to by the Parties under the provisions of Article V, Section 2 and the measures recommended by the Commission under the provisions of this Article and accepted by the Parties concerned have been effective.

3. In the performance of its functions, the Commission shall, insofar as feasible, utilize the technical and scientific services of, and information from, official agencies of the Contracting Parties and their political sub-divisions and may, when desirable and if available, utilize the services of, and information from, any public or private institution or organization or any private individual.

ARTICLE IV.

1. In making its recommendations the Commission shall be guided by the spirit and intent of this Convention and by the considerations below mentioned.

- (a) Any conservation measures for any stock of fish decided upon under the provisions of this Convention shall be recommended for equal application to all Parties engaged in substantial exploitation of such stock.
- (b) With regard to any stock of fish which the Commission determines reasonably satisfies all the following conditions, a recommendation shall be made as provided for in Article III, Section 1 (b).
 - (i) Evidence based upon scientific research indicates that more intensive exploitation of the stock will not provide a substantial increase in yield which can be sustained year after year.
 - (ii) The exploitation of the stock is limited or otherwise regulated through legal measures by each Party which is substantially engaged in its exploitation, for the purpose of maintaining or increasing its maximum sustained

productivity; such limitations and regulations being in accordance with conservation programs based upon scientific research, and

- (iii) The stock is the subject of extensive scientific study designed to discover whether the stock is being fully utilized and the conditions necessary for maintaining its maximum sustained productivity.

Provided, however, that no recommendation shall be made for abstention by a Contracting Party concerned with regard to: (1) any stock of fish which at any time during the twenty-five years next preceding the entry into force of this Convention has been under substantial exploitation by that Party having regard to the conditions referred to in Section 2 of this Article; (2) any stock of fish which is harvested in greater part by a country or countries not party to this Convention; (3) waters in which there is historic intermingling of fishing operations of the Parties concerned, intermingling of the stocks of fish exploited by these operations, and a long-established history of joint conservation and regulation among the Parties concerned so that there is consequent impracticability of segregating the operations and administering control. It is recognized that the conditions specified in subdivision (3) of this proviso apply to Canada and the United States of America in the waters off the Pacific Coasts of the United States of America and Canada from and including the waters of the Gulf of Alaska southward and, therefore, no recommendation shall be made for abstention by either the United States of America or Canada in such waters.

2. In any decision or recommendation allowances shall be made for the effect of strikes, wars, or exceptional economic or biological conditions which may have introduced temporary declines in or suspensions of productivity, exploitation, or management of the stock of fish concerned.

ARTICLE V.

1. The Annex attached hereto forms an integral part of this Convention. All references to "Convention" shall be understood as including the said Annex either in its present terms or as amended in accordance with the provisions of Article VII.

2. The Contracting Parties recognize that any stock of fish originally specified in the Annex to this Convention fulfills the conditions prescribed in Article IV and accordingly agree that the appropriate Party or Parties shall abstain from fishing such stock and the Party or Parties participating in the fishing of such stock shall continue to carry out necessary conservation measures.

ARTICLE VI.

In the event that it shall come to the attention of any of the Contracting Parties that the nationals or fishing vessels of any country which is not a Party to this Convention appear to affect adversely

the operations of the Commission or the carrying out of the objectives of this Convention, such Party shall call the matter to the attention of other Contracting Parties. All the Contracting Parties agree upon the request of such Party to confer upon the steps to be taken towards obviating such adverse effects or relieving any Contracting Party from such adverse effects.

ARTICLE VII.

1. The Annex to this Convention shall be considered amended from the date upon which the Commission receives notification from all the Contracting Parties of acceptance of a recommendation to amend the annex made by the Commission in accordance with the provisions of Article III, Section 1 or of the Protocol to this Convention.

2. The Commission shall notify all the Contracting Parties of the date of receipt of each notification of acceptance of an amendment to the Annex.

ARTICLE VIII.

The Contracting Parties agree to keep as far as practicable all records requested by the Commission and to furnish compilations of such records and other information upon request of the Commission. No Contracting Party shall be required hereunder to provide the records of individual operations.

ARTICLE IX.

1. The Contracting Parties agree as follows:

- (a) With regard to a stock of fish from the exploitation of which any Contracting Party has agreed to abstain, the nationals and fishing vessels of such Contracting Party are prohibited from engaging in the exploitation of such stock of fish in waters specified in the Annex, and from loading, processing, possessing, or transporting such fish in such waters.
- (b) With regard to a stock of fish for which a Contracting Party has agreed to continue to carry out conservation measures, the nationals and fishing vessels of such Party are prohibited from engaging in fishing activities in waters specified in the Annex in violation of regulations established under such conservation measures.

2. Each Contracting Party agrees, for the purpose of rendering effective the provisions of this Convention, to enact and enforce necessary laws and regulations, with regard to its nationals and fishing vessels, with appropriate penalties against violations thereof and to transmit to the Commission a report on any action taken by it with regard thereto.

ARTICLE X.

1. The Contracting Parties agree, in order to carry out faithfully the provisions of this Convention, to cooperate with each other in taking appropriate and effective measures and accordingly agree as follows:

- (a) When a fishing vessel of a Contracting Party has been found in waters in which that Party has agreed to abstain from exploitation in accordance with the provisions of this Convention, the duly authorized officials of any Contracting Party may board such vessel to inspect its equipment, books, documents, and other articles and question the persons on board.

Such officials shall present credentials issued by their respective Governments if requested by the master of the vessel.

- (b) When any such person or fishing vessel is actually engaged in operations in violation of the provisions of this Convention, or there is reasonable ground to believe was obviously so engaged immediately prior to boarding of such vessel by any such official, the latter may arrest or seize such person or vessel. In that case, the Contracting Party to which the official belongs shall notify the Contracting Party to which such person or vessel belongs of such arrest or seizure, and shall deliver such vessel or persons as promptly as practicable to the authorized officials of the Contracting Party to which such vessel or person belongs at a place to be agreed upon by both Parties. Provided, however, that when the Contracting Party which receives such notification cannot immediately accept delivery and makes request, the Contracting Party which gives such notification may keep such person or vessel under surveillance within its own territory, under the conditions agreed upon by both of the Contracting Parties.
- (c) Only the authorities of the Party to which the above-mentioned person or fishing vessel belongs may try the offense and impose penalties therefor. The witnesses and evidence necessary for establishing the offense, so far as they are under the control of any of the Parties to this Convention, shall be furnished as promptly as possible to the Contracting Party having jurisdiction to try the offense.

2. With regard to the nationals or fishing vessels of one or more Contracting Parties in waters with respect to which they have agreed to continue to carry out conservation measures for certain stocks of fish in accordance with the provisions of this Convention, the Contracting Parties concerned shall carry out enforcement severally or jointly. In that case, the Contracting Parties concerned agree to report periodically through the Commission to the Contracting Party which has agreed to abstain from the exploitation of such stocks of fish on the enforcement conditions, and also, if requested, to provide opportunity for observation of the conduct of enforcement.

3. The Contracting Parties agree to meet, during the sixth year of the operation of this Convention to review the effectiveness of the enforcement provisions of this Article and, if desirable, to consider means by which they may more effectively be carried out.

ARTICLE XI.

1. This Convention shall be ratified by the Contracting Parties in accordance with their respective constitutional processes and the instruments of ratification shall be exchanged as soon as possible at Tokyo.

2. This Convention shall enter into force on the date of the exchange of ratifications. It shall continue in force for a period of ten years and thereafter until one year from the day on which a Contracting Party shall give notice to the other Contracting Parties of an intention of terminating the Convention, whereupon it shall terminate as to all Contracting Parties.

IN WITNESS WHEREOF, the respective Plenipotentiaries, duly authorized, have signed the present Convention.

DONE in triplicate, in the English and Japanese languages, both equally authentic, at Tokyo this ninth day of May, one thousand nine hundred and fifty-two.

CANADA:

(Sgd.) A. R. Menzies

JAPAN:

(Sgd.) K. Okazaki

(Sgd.) K. Hirokawa

UNITED STATES OF AMERICA:

(Sgd.) Robert Murphy

ANNEX.

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coasts of Canada and the United States of America in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of the meridian passing through the extremity of the Alaskan Peninsula, in which commercial fishing for herring of North American origin is being or can be prosecuted.

(c) Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tshawytscha*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and of the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka* and *Oncorhynchus tshawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168°58'22.59" West Longitude; thence due south to a point 65°15'00" North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

PROTOCOL TO THE INTERNATIONAL CONVENTION
FOR THE HIGH SEAS FISHERIES OF THE NORTH
PACIFIC OCEAN.

The Governments of Canada, Japan and the United States of America, through their respective Plenipotentiaries, agree upon the following stipulation in regard to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on this ninth day of May, nineteen hundred fifty-two.

The Governments of Canada, Japan and the United States of America agree that the line of meridian 175° West Longitude and the line following the meridian passing through the western extremity of Atka Island, which have been adopted for determining the areas in which the exploitation of salmon is abstained or the conservation measures for salmon continue to be enforced in accordance with the provisions of the Annex to this Convention, shall be considered as provisional lines which shall continue in effect subject to confirmation or readjustment in accordance with the procedure mentioned below.

The Commission to be established under the Convention shall, as expeditiously as practicable, investigate the waters of the Convention area to determine if there are areas in which salmon originating in the rivers of Canada and of the United States of America intermingle with salmon originating in the rivers of Asia. If such areas are found the Commission shall conduct suitable studies to determine a line or lines which best divide salmon of Asiatic origin and salmon of Canadian and United States of America origin, from which certain Contracting Parties have agreed to abstain in accordance with the provisions of Article V, Section 2, and whether it can be shown beyond a reasonable doubt that this line or lines more equitably divide such salmon than the provisional lines specified in sections 1 (c) and 2 of the Annex. In accordance with these determinations the Commission shall recommend that such provisional lines be confirmed or that they be changed in accordance with these results, giving due consideration to adjustments required to simplify administration.

In the event, however, the Commission fails within a reasonable period of time to recommend unanimously such line or lines, it is agreed that the matter shall be referred to a special committee of scientists consisting of three competent and disinterested persons, no one of whom shall be a national of a Contracting Party, selected by mutual agreement of all Parties for the determination of this matter.

It is further agreed that when a determination has been made by a majority of such special committee, the Commission shall make a recommendation in accordance therewith.

The Governments of Canada, Japan and the United States of America, in signing this Protocol, desire to make it clear that the procedure set forth herein is designed to cover a special situation. It is not, therefore, to be considered a precedent for the final resolution of any matters which may, in the future, come before the Commission.

This Protocol shall become effective from the date of entry into force of the said Convention.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol.

DONE in triplicate at Tokyo this ninth day of May, one thousand nine hundred fifty-two.

CANADA:

(Sgd.) A. R. Menzies

JAPAN:

(Sgd.) K. Okazaki

(Sgd.) K. Hirokawa

UNITED STATES OF AMERICA:

(Sgd) Robert Murphy

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 45.

An Act to amend The Post Office Act.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Subsection (1) of section 23 of *The Post Office Act*, chapter 57 of the statutes of 1951, is repealed and the following substituted therefor:

“23. (1) When the Postmaster General considers that the public interest will be promoted by such a course, he may enter into contracts for conveying mail involving an annual expenditure of one thousand dollars or less, if the amount to be paid for the services to be performed under the contract does not exceed the amount generally paid for comparable services in the same area.”

P.M.G. may contract where amount \$1,000 or less.

2. Section 24 of the said Act is repealed and the following substituted therefor:

“24. Where more than one tender has been received, the contract shall be awarded to the lowest tenderer who has offered sufficient security for the faithful performance of the contract, unless the Postmaster General is satisfied that it is not in the public interest to accept the lowest tender, and where the Postmaster General does not accept the lowest tender, he shall report his reasons therefor to the Treasury Board.”

Lowest tenderer to be accepted except for cause.

3. Section 29 of the said Act is repealed and the following substituted therefor:

“29. The Postmaster General may, without public advertisement, enter into a contract for conveying mail with any person operating a railway, air, steamboat or bus service,

Contracts with railway, etc

but no such contract involving an annual expenditure of more than five thousand dollars may be entered into without the approval of the Treasury Board."

4. Section 33 of the said Act is amended by adding thereto the following subsection:

Adjustment
of contracts.

"(2) The Postmaster General may, during the term of any contract for conveying mail entered into, whether by way of renewal or otherwise, under any of the provisions of this Act except section twenty-nine, increase the amount payable thereunder to the contractor during the unexpired and any subsequent renewal term thereof, subject to the following provisions:

- (a) the increased amount shall not exceed the amount generally paid for comparable services in the same area;
- (b) not more than one increase in the amount payable under a contract shall be authorized under this subsection during the term of that contract; and
- (c) no increase in the amount payable under a contract shall be authorized under this subsection unless
 - (i) an application therefor has been made by the contractor,
 - (ii) in the case of a contract entered into on or after the day on which this subsection was enacted, two years have elapsed since the contract was entered into, and
 - (iii) in the case of a contract, other than a renewal contract, entered into before the day on which this subsection was enacted, one year has elapsed since the contract was entered into."

PART II.

5. Subsection (1) of section 23 of the *Post Office Act*, chapter 212 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

P.M.G. may
contract
where
amount \$1,000
or less.

"23. (1) When the Postmaster General considers that the public interest will be promoted by such a course, he may enter into contracts for conveying mail involving an annual expenditure of one thousand dollars or less, if the amount to be paid for the services to be performed under the contract does not exceed the amount generally paid for comparable services in the same area."

6. Section 24 of the said Act is repealed and the following substituted therefor:

Lowest
tenderer to
be accepted
except for
cause.

"24. Where more than one tender has been received, the contract shall be awarded to the lowest tenderer who has offered sufficient security for the faithful performance

of the contract, unless the Postmaster General is satisfied that it is not in the public interest to accept the lowest tender, and where the Postmaster General does not accept the lowest tender, he shall report his reasons therefor to the Treasury Board."

7. Section 29 of the said Act is repealed and the following substituted therefor:

"29. The Postmaster General may, without public advertisement, enter into a contract for conveying mail with any person operating a railway, air, steamboat or bus service, but no such contract involving an annual expenditure of more than five thousand dollars may be entered into without the approval of the Treasury Board."

Contracts
with
railway,
etc.

8. Section 33 of the said Act is amended by adding thereto the following subsection:

"(2) The Postmaster General may, during the term of any contract for conveying mail entered into, whether by way of renewal or otherwise, under any of the provisions of this Act except section 29, increase the amount payable thereunder to the contractor during the unexpired and any subsequent renewal term thereof, subject to the following provisions:

Adjustment
of contracts.

(a) the increased amount shall not exceed the amount generally paid for comparable services in the same area;

(b) not more than one increase in the amount payable under a contract shall be authorized under this subsection during the term of that contract; and

(c) no increase in the amount payable under a contract shall be authorized under this subsection unless

(i) an application therefor has been made by the contractor,

(ii) in the case of a contract entered into on or after the day on which this subsection was enacted, two years have elapsed since the contract was entered into, and

(iii) in the case of a contract, other than a renewal contract, entered into before the day on which this subsection was enacted, one year has elapsed since the contract was entered into."

9. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Coming into
force.

Repeal.

1 - 2 ELIZABETH II.

CHAP. 46.

An Act to amend The Prairie Farm Assistance Act, 1939.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. (1) Paragraph (c) of subsection (3) of section 3 of *The Prairie Farm Assistance Act, 1939*, chapter 50 of the statutes of 1939, is amended by adding thereto the following subparagraph:

“(vii) the following lands in the provinces of Manitoba and Saskatchewan, namely, township 25 and lands north thereof in ranges 1 to 17 east of the principal meridian and in ranges 1 to 14 west of the principal meridian, township 29 and lands north thereof in ranges 15 to 29 west of the principal meridian, township 37 and lands north thereof in ranges 30 to 32 west of the principal meridian and in ranges 1 to 9 west of the 2nd meridian, township 49 and lands north thereof in ranges 10 to 19 west of the 2nd meridian, lands north of the Saskatchewan river and North Saskatchewan river in ranges 20 to 28 west of the 2nd meridian, and township 50 and lands north thereof in ranges 1 to 28 west of the 3rd meridian.”

(2) Section 3 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

“(3a) For the purposes of paragraph (c) of subsection (3), a lease containing an option to purchase shall be deemed to be an agreement for sale.”

Lease
option
deemed
agreement
for sale

PART II.

2. (1) Paragraph (c) of subsection (3) of section 3 of the *Prairie Farm Assistance Act*, chapter 213 of the Revised Statutes of Canada, 1952, is amended by striking out the word “or” at the end of subparagraph (v) thereof, inserting the word “or” at the end of subparagraph (vi) thereof, and adding thereto the following subparagraph:

“(vii) the following lands in the provinces of Manitoba and Saskatchewan, namely, township 25 and lands north thereof in ranges 1 to 17 east of the principal meridian and in ranges 1 to 14 west of the principal meridian, township 29 and lands north thereof in ranges 15 to 29 west of the principal meridian, township 37 and lands north thereof in ranges 30 to 32 west of the principal meridian and in ranges 1 to 9 west of the 2nd meridian, township 49 and lands north thereof in ranges 10 to 19 west of the 2nd meridian, lands north of the Saskatchewan river and North Saskatchewan river in ranges 20 to 28 west of the 2nd meridian, and township 50 and lands north thereof in ranges 1 to 28 west of the 3rd meridian.”

(2) Section 3 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

“(3a) For the purposes of paragraph (c) of subsection (3), a lease containing an option to purchase shall be deemed to be an agreement for sale.”

Lease
option
deemed
agreement
for sale.

Coming into
force.

Repeal.

3. Section 2 shall come into force, and section 1 is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 47.

An Act to Provide for the Superannuation of Persons
Employed in the Public Service of Canada.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows:—

SHORT TITLE.

1. This Act may be cited as the *Public Service Superannuation Act*. Short title.

INTERPRETATION.

2. In this Act,

- (a) "active service in the forces" means any service in the forces of a kind designated in the regulations to be active service, which service is deemed for the purposes of this Act to have terminated upon discharge or, in the case of a person who underwent treatment in a veterans' hospital, as defined in the regulations, immediately following his discharge, upon that person's release from hospital; Definitions.
"Active service in the forces".
- (b) "child" includes a natural child, stepchild or adopted child; "Child".
- (c) "contributor" means a person required by subsection (1) of section 4 to contribute to the Superannuation Account, and, unless the context otherwise requires, "Contributor".
- (i) a person who, having ceased to be so required to contribute to the Superannuation Account, continues to be employed in the Public Service, or has retired, and
- (ii) for the purposes of sections 12, 14 and 15, a contributor under Part I of the *Superannuation Act* who has been granted an annual allowance under that Act, or has died;

- "Disabled". (d) "disabled" means incapable of pursuing regularly any substantially gainful occupation;
- "Forces" (e) "forces" means the naval, army or air forces of His Majesty or of any of the Allies of His Majesty during World War I or World War II;
- "Minister". (f) "Minister" means the Minister of Finance;
- "Misconduct". (g) "misconduct" means wilful disobedience of the provisions of any statute or regulation governing the performance of official duties, the breach of which involves dismissal from the Public Service, malversation in office, or abandonment of office;
- "Pensionable employment". (h) "pensionable employment" means any employment in respect of which there was an established superannuation or pension fund or plan, approved by the Treasury Board for the purposes of this Act, for the benefit of persons engaged in that employment;
- "Period in pensionable employment". (i) "period in pensionable employment" means any period of service to the credit of the employee in the fund or plan referred to in paragraph (h) at the time he left the employment therein referred to;
- "Public Service". (j) "Public Service" means the several positions in or under any department or portion of the executive government of Canada, and, for the purposes of this Act, of the Senate and House of Commons of Canada, the Library of Parliament and any board, commission, corporation or portion of the public service of Canada specified in Schedule A;
- "Retirement Fund". (k) "Retirement Fund" means the Retirement Fund established under Part II of the *Civil Service Superannuation and Retirement Act*;
- "Salary". (l) "salary" means the compensation received for the performance of the regular duties of a position or office;
- "Superannuation Act". (m) "*Superannuation Act*" means the *Civil Service Superannuation Act*;
- "Temporary employee". (n) "temporary employee" means
 - (i) an employee who is engaged for a term of twelve months or less,
 - (ii) a part-time employee, or
 - (iii) a sessional employee;
- "World War I". (o) "World War I" means the war that was declared on the 4th day of August, 1914, and which is deemed, for the purposes of this Act, to have terminated on the 31st day of December, 1920; and
- "World War II". (p) "World War II" means the war that was declared on the 10th day of September, 1939, and which is deemed, for the purposes of this Act, to have terminated on the 30th day of September, 1947.

SUPERANNUATION.

3. (1) Subject to this Act, an annuity or other benefit herein specified shall be paid to or in respect of every person who, being required to contribute to the Superannuation Account in accordance with this Act, dies or ceases to be employed in the Public Service, which annuity or other benefit shall, subject to this Act, be based upon the number of years of pensionable service to the credit of that person.

(2) The Superannuation Account in the Consolidated Revenue Fund, established pursuant to the *Superannuation Act*, is hereby continued.

PERSONS REQUIRED TO CONTRIBUTE.

4. (1) Every person employed in the Public Service, other than

(a) a person to whom Part II of the *Civil Service Superannuation and Retirement Act* applies,

(b) a person to whom subsection (2) of section 15 of the *Currency, Mint and Exchange Fund Act* applies,

(c) a temporary employee, unless, in the case of an employee who is engaged for a term of twelve months or less, he has been employed in the Public Service substantially without interruption for a period of more than twelve months from the time when he was first so engaged,

(d) an employee in receipt of a salary computed at an annual rate of less than nine hundred dollars,

(e) an employee engaged locally outside Canada, or

(f) a prevailing rate or seasonal employee, unless designated by the Governor in Council, individually or as a member of a class,

is required to contribute to the Superannuation Account, by reservation from salary or otherwise,

(g) six per cent of his salary, in the case of a male contributor, and

(h) five per cent of her salary, in the case of a female contributor.

(2) Notwithstanding anything in this Act,

(a) no person shall contribute to the Superannuation Account as required by subsection (1) after that person has to his credit a period of pensionable service totalling thirty-five years;

(b) no person who has become entitled to or has been granted any superannuation or pension benefit of a kind specified in the regulations, payable out of the Consolidated Revenue Fund or out of any account or

Scope of Act.

Superannuation Account.

Persons required to contribute.

Contributions not required

fund in the Consolidated Revenue Fund other than the Superannuation Account, shall contribute to the Superannuation Account as required by subsection (1) after that person has to his credit a period of pensionable service totalling thirty-five years less the number of years of service upon which that superannuation or pension benefit is based;

(c) no person shall contribute to the Superannuation Account as required by subsection (1) after that person has reached sixty-five years of age; and

(d) no person shall contribute to the Superannuation Account in respect of any amount received as salary at a rate in excess of fifteen thousand dollars a year.

(3) For the purposes of paragraphs (a) and (b) of subsection (2), the period of thirty-five years therein specified does not include any period of service specified in clause (C) or (D) of subparagraph (iii) of paragraph (a) of subsection (1) of section 5.

Coming
into force.

(4) Paragraphs (b) and (c) of subsection (2) shall come into force on the 1st day of August, 1957.

PENSIONABLE SERVICE.

Pensionable
service.

5. (1) Subject to this Act, the following service may be counted by a contributor as pensionable service for the purposes of this Act, namely,

(a) non-elective service, comprising,

(i) in the case of a contributor who, immediately prior to the coming into force of this Act, was a contributor under Part I of the *Superannuation Act*,

(A) the period of his service as a contributor under Part I of the *Superannuation Act*, and

(B) the period during which he is required by subsection (1) of section 4 to contribute to the Superannuation Account;

(ii) in the case of a contributor who, immediately prior to the coming into force of this Act, was not a contributor under Part I of the *Superannuation Act*,

(A) the period during which he is required by subsection (1) of section 4 to contribute to the Superannuation Account,

(B) such portion of any period prior to becoming a contributor under this Act during which he has contributed to the Retirement Fund, in accordance with this Act or Part VI of the *Superannuation Act* or pursuant to any order

of the Governor in Council, as is determined by the Minister in accordance with the regulations, and

(C) any period of service that he was entitled to count for the purposes of the *Superannuation Act*, for which he has paid but in respect of which he has not, at any time since he ceased to be a contributor under Part I of the said Act, received any withdrawal allowance or other benefit thereunder; and

(iii) with reference to any contributor,

(A) any period of service that may be counted by that contributor as pensionable service pursuant to paragraph (b) of section 16, subsection (2) of section 21, or subsection (5) of section 28,

(B) any period during which the contributor, having been a civil servant within the meaning of the *Superannuation Act*, was absent from the Public Service on active service in the forces during World War I, or, being a contributor under Part I of the *Superannuation Act*, was absent from the Public Service on active service in the forces during World War II, having been granted leave of absence to enlist,

(C) any period prior to the 14th day of April, 1927, during which the contributor was absent from the Public Service on leave of absence without pay, and

(D) one-half of any period during which the contributor, being a person who became a contributor under Part I of the *Superannuation Act* before the 11th day of August, 1939 and did not elect to contribute in respect of his service in the Public Service prior to so becoming a contributor, and being a person whose service since that date has been substantially continuous, was employed in the Public Service prior to so becoming a contributor; and

(b) elective service, comprising,

(i) in the case of a contributor who, immediately prior to the coming into force of this Act, was a contributor under Part I of the *Superannuation Act*,

(A) any period of service for which he elected under the *Superannuation Act* to pay, and

- (B) any period of service for which he might have elected, under the provisions of the *Superannuation Act* in force immediately prior to the coming into force of this Act, to pay, if he elects, within the time prescribed by those provisions, to pay for that service;
- (ii) in the case of a contributor who, immediately prior to the coming into force of this Act, was not a contributor under Part I of the *Superannuation Act*,
 - (A) any period prior to becoming a contributor under this Act (except any such period described in clause (B) of subparagraph (ii) of paragraph (a)) during which he was employed in the Public Service and was in receipt of salary, if he elects, within one year of so becoming a contributor, to pay for that service, and
 - (B) such portion of any period described in clause (B) of subparagraph (ii) of paragraph (a) as is not included in the portion thereof determined by the Minister thereunder, if he elects, within one year of becoming a contributor under this Act, to pay for such portion; and
- (iii) with reference to any contributor,
 - (A) any period of service on active service in the forces during World War I or World War II, if he elects, within one year of becoming a contributor under this Act, to pay for that service,
 - (B) any period of service in pensionable employment immediately prior to becoming employed in the Public Service, if he elects, within one year of becoming a contributor under this Act, to pay for that service,
 - (C) any period of service that may be counted by him as pensionable service pursuant to subsection (2) of section 25,
 - (D) any period of service with any board, commission, corporation or portion of the public service of Canada that is added to Schedule A subsequently to the coming into force of this Act, if he elects, within one year of such addition, to pay for that service,
 - (E) any period of service in respect of which he has received any amount by way of a return of contributions or other lump sum payment

under this Act or Part I of the *Superannuation Act* (except any such period specified in clause (C) or (D) of subparagraph (iii) of paragraph (a)), if he elects, within one year of subsequently becoming a contributor under this Act, to pay for that service, and

- (F) subject to subsection (3) of section 18, any period of service for which he might have elected, under this Act or under Part I of the *Superannuation Act*, to pay, but for which he failed so to elect within the time prescribed therefor, if he elects, at any time before he ceases to be employed in the Public Service, to pay for that service.

(2) For the purposes of clause (B) of subparagraph (iii) of paragraph (a) of subsection (1), "forces" means, in the case of World War II, any of His Majesty's naval, army or air forces, the Royal Canadian Mounted Police, the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom, the armed forces of the United States of America, the Fighting French forces and any other force designated by the Governor in Council for the purposes of this Act. "Forces" defined.

ELECTIVE PENSIONABLE SERVICE: AMOUNT REQUIRED TO BE PAID.

6. (1) Subject to section 7, a contributor who is entitled under this Act to count as pensionable service any period of elective service specified in paragraph (b) of subsection (1) of section 5 is required to pay, in respect thereof, as follows: Amount to be paid

- (a) in respect of any period specified in clause (A) of subparagraph (i) of the said paragraph (b), any amount that he would have been required to pay under the *Superannuation Act*, had that Act continued in force;
- (b) in respect of any period specified in clause (B) of subparagraph (i) of the said paragraph (b), any amount that he would have been required to pay under the provisions of the *Superannuation Act* in force immediately prior to the coming into force of this Act;
- (c) in respect of any period specified in clause (A) of subparagraph (ii) of the said paragraph (b), an amount equal to the amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4, in respect of a salary equal to the salary authorized to be paid to him during that period, together with interest;

- (d) in respect of the portion referred to in clause (B) of subparagraph (ii) of the said paragraph (b), such amount as is determined in accordance with the regulations;
- (e) in respect of any period specified in clause (A) of subparagraph (iii) of the said paragraph (b), an amount determined as follows:
 - (i) in the case of a person who, immediately prior to his enlistment in the forces, was employed in the Public Service on a full-time basis, an amount equal to the amount that he would have been required to contribute during the period of his service in the forces had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4, in respect of a salary at the rate authorized to be paid to him at the time he left his employment in the Public Service to enlist, together with interest, and
 - (ii) in the case of a person who was not, immediately prior to his enlistment in the forces, employed in the Public Service on a full-time basis, an amount equal to twice the amount that he would have been required to contribute during the period of his service in the forces had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4, in respect of a salary at the initial rate authorized to be paid to him upon subsequently becoming employed in the Public Service, together with interest;
- (f) in respect of any period specified in clause (B) of subparagraph (iii) of the said paragraph (b), an amount equal to twice the amount that he would have been required to contribute had he, during that period, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4, in respect of a salary at the initial rate authorized to be paid to him upon subsequently becoming employed in the Public Service, together with interest;
- (g) in respect of any period specified in clause (C) of subparagraph (iii) of the said paragraph (b), such amount as is required by subsection (2) of section 25 to be paid by him therefor;
- (h) in respect of any period specified in clause (D) of subparagraph (iii) of the said paragraph (b), an amount as specified in paragraph (c);
- (i) in respect of any period specified in clause (E) of subparagraph (iii) of the said paragraph (b), an amount equal to the amount of the return of contri-

butions or other lump sum payment received by him in respect thereof, together with simple interest at four per cent per annum from the time when the payment was received until the time of making the election, or, in the event of the payment so received being a payment under subsection (3) of section 8, an amount determined in accordance with the regulations to be the capitalized value, at the time of making the election, of the annuity or annual allowance upon which the said payment was based; and

(j) notwithstanding anything in this subsection, in respect of any period described in clause (F) of subparagraph (iii) of the said paragraph (b), an amount equal to the amount that he would have been required to pay if, not having been a contributor under Part I of the *Superannuation Act* immediately prior to the coming into force of this Act, he had elected under this Act, within the time prescribed for the making of the election, to pay for that period, and if, during that period, the rate of salary authorized to be paid to him had been equal to the rate of salary so authorized at the time when he made the election, together with interest.

(2) In this section, unless otherwise specified, "interest" means simple interest at four per cent per annum from the middle of the fiscal year in which the contributions would have been made, had the contributor been required to make those contributions during the period for which he elects to pay, until the time of making the election. "Interest" defined.

ELECTIONS.

7. (1) Every election made by a contributor under this Act shall be made by him while employed in the Public Service and shall be evidenced in writing, in the form prescribed by the Minister, and witnessed, and the original thereof shall be forwarded to the Minister by registered mail within the time prescribed by this Act for the making of the election or, in the case of an election that may be made by the contributor at any time before he ceases to be employed in the Public Service, within one month from the time of making the election. Manner of making elections.

(2) An election under this Act is void, in so far as it is an election to pay for Void elections.

(a) any period of service on active service in the forces during World War I or World War II or any period of service in the Public Service or in pensionable employment that the elector is entitled to count for the purpose of any superannuation or pension benefit of a kind specified in the regulations, otherwise than under the provisions of this Act, or

(b) any period of service in the Public Service as a part-time employee unless it is service that may be counted under clause (B) of subparagraph (i) of paragraph (b) of subsection (1) of section 5.

Right to elect for part of period.

(3) A contributor who is entitled under this Act to elect to pay for a period of service is entitled, unless a contrary intention appears, to elect to pay for part only of that period but only that part which is most recent in point of time.

Right to amend election.

(4) An election under this Act is irrevocable except that it may be amended by the elector, within the time prescribed by this Act for the making of the election, by increasing the period or periods of service for which he elects to pay.

Manner of payment.

(5) Subject to this section, any amount required by subsection (1) of section 6 to be paid by a contributor in respect of any period of service for which he has elected to pay shall be paid by him into the Superannuation Account
(a) in a lump sum, at the time of making the election, or
(b) in instalments, on such terms and computed on such bases as to mortality and interest as the Governor in Council by regulation prescribes,
at his option.

Unpaid instalments.

(6) Where a contributor who has elected under this Act or the *Superannuation Act* to pay for any period of service and has undertaken to pay for that period of service in instalments ceases to be employed in the Public Service before all the instalments have been paid, the unpaid instalments may be reserved, in accordance with the regulations, from any amount payable to him by Her Majesty in right of Canada, including any annuity or other benefit payable to him under this Act, until such time as

(a) all the instalments have been paid, or

(b) the contributor dies,

whichever occurs first.

Recovery of amounts due.

(7) Where any amount payable by a contributor into the Superannuation Account by reservation from salary or otherwise has become due, but remains unpaid at the time of his death, that amount, with interest at four per cent per annum from the time when it became due, may be recovered, in accordance with the regulations, from any allowance payable under this Act to the widow and children of the contributor, without prejudice to any other recourse available to Her Majesty with respect to the recovery thereof, and any amount so recovered shall be credited to the Superannuation Account and shall be deemed, for the purposes of paragraph (e) of subsection (1) of section 8, to have been paid into the said Account by the contributor.

BENEFITS.

Definitions, etc.

8. (1) For the purposes of this Act,

Kinds of
benefits.

- (a) "annuity" means an annuity computed in accordance with subsection (1) of section 9;
- (b) "immediate annuity" means an annuity that becomes payable to the contributor immediately upon his becoming entitled thereto;
- (c) "deferred annuity" means an annuity that becomes payable to the contributor at the time he reaches sixty years of age;
- (d) "an amount equal to one month's pay for each year of pensionable service" means an amount computed on the basis of the rate of salary authorized to be paid to the contributor

- (i) at the time he ceases to contribute to the Superannuation Account, or

- (ii) in the case of a contributor who continues to be employed in the Public Service after having ceased to contribute to the Superannuation Account pursuant to paragraph (a) or (b) of subsection (2) of section 4, at the time he ceases to be employed in the Public Service, or

- (iii) in the case of a contributor who, on or after the 1st day of August, 1957, continues to be employed in the Public Service after having reached sixty-five years of age, as of the 1st day of August, 1957, or at the time he reached sixty-five years of age, whichever is the later,

but if at such time the rate of salary authorized to be paid to the contributor exceeded fifteen thousand dollars a year, the annual rate deemed to have been so authorized at that time shall be fifteen thousand dollars; and

(e) "a return of contributions" means a return of

- (i) the amount paid by the contributor into the Superannuation Account,

- (ii) any amount to his credit in the Retirement Fund transferred to the Superannuation Account, and

- (iii) any amount paid by him into any other account or fund and transferred to the Superannuation Account,

without interest.

(2) Where an annuity or annual allowance becomes payable under this Act it shall, subject to the regulations, be paid in equal monthly instalments in arrears and shall continue, subject to this Act, during the lifetime of the recipient and thereafter until the end of the month during which he dies.

Duration of
payment.

Capitaliza-
tion.

(3) Where a contributor has become entitled under this Act to an annuity or annual allowance the monthly instalments of which would amount to less than ten dollars each, there may be paid to that contributor, upon request by him to the Minister in writing within three months from the time when he became so entitled, an amount determined in accordance with the regulations to be the capitalized value of the said annuity or annual allowance, which payment shall be in lieu of any other benefit under this Act.

Options.

(4) Where, by section 10 or 11, a contributor is entitled to a benefit therein specified at his option, if the contributor fails to exercise that option within one year from the time when he became so entitled he shall be deemed to have exercised it in favour of a benefit other than a lump sum payment as described in paragraphs (d) and (e) of subsection (1).

Annuities: How Computed.

Computation
of annuities.

9. (1) The amount of any annuity to which a contributor may become entitled under this Act is an amount equal to

(a) the number of years of pensionable service to the credit of the contributor, not exceeding thirty-five, divided by fifty,

multiplied by

(b) the average annual salary received by the contributor during any ten year period of pensionable service selected by or on behalf of the contributor, or during any period so selected consisting of consecutive periods of pensionable service totalling ten years, or

(c) in the case of a contributor who has to his credit less than ten years of pensionable service, the average annual salary received by him during the period of pensionable service to his credit.

Salary deem-
ed to have
been received
during cer-
tain periods.

(2) For the purposes of subsection (1),

(a) a person who has to his credit pensionable service that includes any period of service in the forces specified in clause (B) of subparagraph (iii) of paragraph (a) of subsection (1) of section 5 is deemed to have received during that period such salary as was authorized as payable to him from time to time;

(b) a person who has to his credit pensionable service that includes a period

(i) during which that person, having been employed in the Public Service immediately prior to his enlistment in the forces, was on active service in the forces during World War I, not having been a civil servant within the meaning of the *Superannuation Act*, or was on active service in

the forces during World War II, not having been a contributor under Part I of that Act, or

- (ii) during which that person, having been a contributor under Part I of the *Superannuation Act* immediately prior to his enlistment in the forces and having resigned to enlist, was on active service in the forces during World War II,

is deemed to have received, during that period in World War I or World War II, a salary at a rate equal to the rate of salary authorized to be paid to him immediately prior to his enlistment, except that in the case of a person who was employed in the Public Service immediately prior to his enlistment in the forces during one of the said wars but was not so employed immediately prior to his enlistment in the forces during the other war, the rate of salary that is deemed to have been received by that person during the period in which he was on active service in the forces during the said other war is the initial rate of salary authorized to be paid to him upon subsequently becoming employed in the Public Service;

- (c) a person who has to his credit pensionable service that includes a period

- (i) during which that person was on active service in the forces during World War I or World War II, not having been employed in the Public Service immediately prior to his enlistment or, in the case of a person who elected subsequently to the coming into force of this Act to pay for such period, not having been employed in the Public Service on a full-time basis immediately prior to his enlistment, or

- (ii) during which that person was engaged in pensionable employment,

is deemed to have received during that period a salary at a rate equal to the initial rate of salary authorized to be paid to him upon subsequently becoming employed in the Public Service;

- (d) a contributor who is absent from the Public Service on leave of absence without pay and who contributes in respect of that absence in accordance with the regulations is deemed to have received during such period a salary at a rate equal to the rate of salary that would have been authorized to be paid to him had he not been so absent on leave of absence without pay;

- (e) a person who, during World War II, was a contributor under Part I of the *Superannuation Act* is deemed to have received during that period any annual increase that he would have received but for an order in council

restricting payment of annual increases to employees in the Public Service by reason of the war; and

(f) where the rate of salary authorized to be paid to a person at any time exceeds fifteen thousand dollars a year, the annual rate deemed to have been so authorized at that time shall be fifteen thousand dollars.

Computation
of average
annual
salary.

(3) For the purposes of paragraphs (b) and (c) of subsection (1), any period of service during which a person is employed in the Public Service after that person has, pursuant to paragraph (a) or (b) of subsection (2) of section 4, ceased to contribute to the Superannuation Account is deemed to be a period of pensionable service to the credit of that person.

Application.

(4) On and after the 1st day of August, 1957, subsection (3) shall not apply in respect of any period of service during which a person is employed in the Public Service after he has reached sixty-five years of age.

CONTRIBUTORS WITH LESS THAN FIVE YEARS OF PENSIONABLE SERVICE.

Where less
than five
years of
pensionable
service.

10. (1) The following provisions are applicable in respect of any contributor who, having been a contributor under Part I of the *Superannuation Act* immediately prior to the coming into force of this Act and having been employed in the Public Service substantially without interruption thereafter, has to his credit less than five years of pensionable service, namely,

(a) if he ceases to be employed in the Public Service, having reached sixty years of age, for any reason other than misconduct, or ceases to be employed in the Public Service by reason of having become disabled, he is entitled to

(i) an immediate annuity,

(ii) an amount equal to one month's pay for each year of pensionable service, or

(iii) a return of contributions,

at his option;

(b) if he ceases to be employed in the Public Service, not having reached sixty years of age, for any reason other than disability or misconduct, he is entitled to

(i) a deferred annuity, or

(ii) a return of contributions,

at his option;

(c) if he becomes disabled, not having reached sixty years of age but having become entitled under paragraph (b) to a deferred annuity, he ceases to be entitled to that deferred annuity and becomes entitled to an immediate annuity; and

(d) if he is dismissed from the Public Service for misconduct, he is entitled to a return of contributions.

(2) A contributor who, not having been a contributor under Part I of the *Superannuation Act* immediately prior to the coming into force of this Act, or, having been a contributor thereunder at that time but not having been employed in the Public Service substantially without interruption thereafter, has to his credit less than five years of pensionable service, is entitled, upon ceasing to be employed in the Public Service, to a return of contributions. Idem.

(3) Upon the death of a contributor who, at the time of his death, was entitled under subsection (1) to an immediate annuity or a deferred annuity, the widow and children of the contributor are entitled to the following annual allowances, computed on the basis of the product obtained by multiplying the average annual salary of the contributor during the period applicable, as specified in subsection (1) of section 9 or elsewhere herein for the purposes of that subsection, by the number of years of pensionable service to the credit of the contributor at the time when he became so entitled, one one-hundredth of the product so obtained being referred to herein as the "basic allowance": Allowance to widow and children.

(a) in the case of the widow, an immediate annual allowance equal to the basic allowance; and

(b) in the case of each child, until the child reaches eighteen years of age, an immediate annual allowance equal to one-fifth of the basic allowance or, if there is no living widow of the contributor, two-fifths of the basic allowance;

but the total amount of the allowances paid under paragraph (b) shall not exceed four-fifths of the basic allowance or, if there is no living widow, eight-fifths of the basic allowance.

(4) Upon the death of a contributor who, having been a contributor under Part I of the *Superannuation Act* immediately prior to the coming into force of this Act and having continued to be employed in the Public Service substantially without interruption thereafter, was employed in the Public Service at the time of his death, having to his credit less than five years of pensionable service, the widow and children of the contributor are entitled to the annual allowances to which they would have been entitled under subsection (3) had the contributor, immediately prior to his death, become entitled under subsection (1) to an immediate annuity or a deferred annuity. Idem.

(5) Upon the death of a contributor who, not having been a contributor under Part I of the *Superannuation Act* immediately prior to the coming into force of this Act, or, having been a contributor thereunder at that time but not having continued to be employed in the Public Service Lump sum payment to widow and children.

substantially without interruption thereafter, was employed in the Public Service at the time of his death, having to his credit less than five years of pensionable service, the widow and children of the contributor are entitled, jointly, to a return of his contributions.

CONTRIBUTORS WITH FIVE OR MORE YEARS OF PENSIONABLE SERVICE.

Where five or more years of pensionable service.

11. (1) The following provisions are applicable in respect of any contributor who has to his credit five or more years of pensionable service, namely,

- (a) if he ceases to be employed in the Public Service, having reached sixty years of age, for any reason other than misconduct, he is entitled to an immediate annuity;
- (b) if he ceases to be employed in the Public Service, not having reached sixty years of age, by reason of having become disabled, he is entitled to
 - (i) an immediate annuity,
 - (ii) an amount equal to one month's pay for each year of pensionable service, not exceeding ten, or
 - (iii) a return of contributions,
 at his option;
- (c) if he ceases to be employed in the Public Service, not having reached sixty years of age, for any reason other than disability or misconduct, he is entitled to
 - (i) a deferred annuity,
 - (ii) a return of contributions, or
 - (iii) with the consent of the Treasury Board, an annual allowance, payable immediately in the case of a contributor fifty or more years of age, or payable upon reaching fifty years of age in the case of a contributor less than fifty years of age, which allowance shall be the actuarial equivalent, as determined in accordance with the regulations, of the deferred annuity referred to in subparagraph (i),
 at his option;
- (d) if he becomes disabled, not having reached sixty years of age but having become entitled to a deferred annuity under paragraph (c), or becomes disabled, not having reached fifty years of age but having become entitled to an annual allowance under paragraph (c) payable upon reaching fifty years of age, he ceases to be entitled to that deferred annuity or annual allowance and becomes entitled to an immediate annuity; and

(e) if he is dismissed from the Public Service for misconduct, he is entitled to

(i) a return of contributions, or

(ii) with the consent of the Treasury Board, the whole or any part specified by the Treasury Board of any benefit to which he would have been entitled under this subsection had he, at the time of his dismissal, ceased to be employed in the Public Service for a reason other than misconduct, except that in no case shall the capitalized value thereof be less than the return of contributions referred to in subparagraph (i).

(2) Upon the death of a contributor who, at the time of his death, was entitled under subsection (1) to an immediate annuity or a deferred annuity or an annual allowance payable immediately or upon reaching fifty years of age, the widow and children of the contributor are entitled to an annual allowance, respectively, as described in paragraphs (a) and (b) of subsection (3) of section 10 and subject to the limitations set forth in subsection (3) of section 10. Allowance to widow and children.

(3) Upon the death of a contributor who was employed in the Public Service at the time of his death, having to his credit five or more years of pensionable service, the widow and children of the contributor are entitled to the annual allowances to which they would have been entitled under subsection (2) had the contributor, immediately prior to his death, become entitled under subsection (1) to an immediate annuity or a deferred annuity or an annual allowance payable immediately or upon reaching fifty years of age. Idem

PAYMENTS TO WIDOW AND CHILDREN.

12. (1) Where in this Act it is provided that the widow and children of a contributor are entitled jointly to a return of contributions or to any other lump sum payment, the total amount thereof shall be paid to the widow of the contributor, except that Lump sum payments.

(a) if the contributor died without a wife, or if his wife or widow is dead or cannot be found at the time when the payment is to be made, the amount thereof shall be paid to the person having the guardianship of the children;

(b) if the children, or any of them, are living apart from the widow, the amount thereof shall be paid to the widow and to the person having the guardianship of those children, in such shares as the Treasury Board considers equitable and proper under the circumstances;

(c) if the contributor died without a wife or children, or if both the wife or widow and the children are dead or cannot be found at the time when the payment is to be made, the amount thereof shall be paid to the contributor's estate or, if less than five hundred dollars, as authorized by the Treasury Board;

but any amount that is expressed in paragraph (a) or (b) to be payable to the person having the guardianship of the children shall, if all the children have reached eighteen years of age at the time the payment is to be made, be divided among them equally, and shall, if some but not all of the children have reached eighteen years of age at that time, be divided among them in such manner and in such shares as the Treasury Board considers equitable and proper under the circumstances.

Remarriage
of widow.

(2) Where by this Act the widow of a contributor is entitled to an annual allowance herein specified, payment of the allowance shall be suspended in the event of her remarriage but shall be resumed in the event of the death of her husband by that marriage, but in lieu of any further claim to payment of the allowance an amount equal to a return of contributions less the total amount of the payments made to the contributor or to his widow and children under this Act may be paid to the widow, upon request by her to the Minister in writing, at any time before the death of her husband by that marriage and after the youngest child of the contributor has reached eighteen years of age.

Allowances
paid to
children.

(3) Where by this Act a child of the contributor is entitled to an annual allowance herein specified, payment of the allowance shall be made to the person having the guardianship of the child, which person is presumed, *prima facie*, to be the widow of the contributor.

Woman
deemed to
be widow.

(4) For the purposes of this Act, a woman who

(a) establishes to the satisfaction of the Treasury Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by that contributor as his wife, or

(b) establishes to the satisfaction of the Treasury Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by that contributor as his wife, and that at the time of the death of that contributor neither she nor the contributor was married to any other person,

shall, if the Treasury Board so directs, be deemed to be the widow of that contributor.

(5) If, upon the death of a contributor, it appears to the Treasury Board that the widow of the contributor had, for a number of years immediately prior to his death, been living apart from him under circumstances that would have disentitled her to an order for separate maintenance under the laws of the province in which the contributor was ordinarily resident, and if the Treasury Board so directs, having regard to the surrounding circumstances, including the welfare of any children involved, she shall be deemed, for the purposes of this Act, to have predeceased the contributor.

Widow deemed to have predeceased contributor.

(6) Subsections (4) and (5) do not apply in respect of any contributor whose death occurred prior to the coming into force of this Act.

Application.

13. (1) Notwithstanding anything in this Act, the widow and children of a person are not entitled to any annual allowance under this Act if that person married after having become entitled under this Act to an annuity or an annual allowance, unless, subsequently to his marriage, he became or continued to be a contributor under this Act.

Marriage after retirement.

(2) Notwithstanding anything in this Act, except as provided in the regulations a child born to a contributor after that contributor ceases to be employed in the Public Service is not entitled to an allowance under this Act.

Child born after retirement.

(3) Notwithstanding anything in this Act, where a contributor dies within five years after his marriage, having been a contributor under this Act at the time of his marriage or at any time since his marriage, the amount of any annual allowance to which his widow and children may be entitled under this Act shall, if the Treasury Board is not satisfied that anticipation of impending death was not a consideration affecting the agreement to marry, be reduced by

Death within five years of marriage.

(a) one hundred per cent, if the contributor dies within one year after his marriage;

(b) ninety-eight per cent, if he dies within the thirteenth month after his marriage;

(c) ninety-six per cent, if he dies within the fourteenth month after his marriage;

and so on, by like progressions, until the sixtieth month after his marriage, but not thereafter.

(4) Notwithstanding anything in this Act, the amount of any annual allowance to which the widow of a contributor may be entitled under this Act shall, if the age of the contributor exceeded that of his widow by twenty or more years, be reduced by an amount determined in accordance with the regulations.

Age differences.

(5) Nothing in this section shall prejudice any right that a child of an earlier marriage of the contributor has to an allowance under section 10 or 11.

Saving provision.

(6) In this Act, unless the context otherwise requires, "widow" includes "widower", but no person is entitled to an allowance under this Act by virtue of his being the widower of a contributor.

RESIDUAL AMOUNTS.

Residual
amounts.

14. Where, upon the death of a contributor, there is no person to whom an allowance provided in this Act may be paid, or where the persons to whom such allowance may be paid die or cease to be entitled thereto and no other amount may be paid to them under this Act, any amount by which the amount of a return of contributions exceeds the aggregate of all amounts paid to those persons and to the contributor under this Act and the *Superannuation Act* shall be paid to the contributor's estate or, if less than five hundred dollars, as authorized by the Treasury Board.

DISABILITY PAYMENTS.

Disability
payments.

15. Where a contributor who
(a) is less than sixty years of age, and
(b) is in receipt of an annuity or an annual allowance payable under this Act in respect of a disability previously incurred by him,
is certified, in accordance with the regulations, to have regained his health or to be capable of performing the duties of his former position in the Public Service or any other position in the Public Service commensurate with his qualifications, payment of the annuity or annual allowance shall be suspended but shall be resumed, subject to this Act, at such time as he reaches sixty years of age, or again becomes disabled.

PERSONS RE-EMPLOYED.

Persons re-
employed.

16. The following provisions are applicable in respect of any person who is entitled, under subsection (1) of section 10 or subsection (1) of section 11, to an annuity or an annual allowance, or who has been granted, as a contributor under Part I of the *Superannuation Act*, any annual allowance or adjusted annual allowance thereunder, namely,

(a) if that person is re-employed in the Public Service but does not become a contributor under this Act, whatever right or claim that he may have to payment of the said annuity, annual allowance or adjusted annual allowance shall, with respect to the period during which he continues to be so employed, be

suspended, if, during that period, the rate of salary authorized to be paid to him exceeds a like rate computed on the basis of the salary authorized to be paid to him in respect of his last full month of service in the Public Service prior to becoming re-employed, but if it does not exceed the rate so computed such suspension shall not apply in respect of any right or claim that he may have to payment as aforesaid to the extent that the rate so computed exceeds the rate authorized to be paid to him during the period of his re-employment; and

- (b) if that person is re-employed in the Public Service and becomes, or would have become, but for the provisions of subsection (2) of section 4, a contributor under this Act, whatever right or claim that he may have to the said annuity, annual allowance or adjusted annual allowance shall forthwith be terminated, but the period of service upon which such benefit was based (except any such period specified in clause (C) or (D) of subparagraph (iii) of paragraph (a) of subsection (1) of section 5) may be counted by that person as pensionable service for the purposes of subsection (1) of section 5, except that if that person, upon ceasing to be so re-employed, exercises his option under this Act in favour of a return of contributions, or is not entitled under this Act to any benefit other than a return of contributions, the amount so returned shall not include any amount paid into the Superannuation Account to his credit at any time prior to the time when he became so re-employed, but whatever right or claim that, but for this paragraph, he would have had to the above-mentioned annuity, annual allowance or adjusted annual allowance upon ceasing to be so re-employed shall thereupon be restored to him.

17. Where, in any Act of the Parliament of Canada, it is provided that a contributor who leaves the Public Service for employment outside thereof continues to be a contributor under this Act during that employment and is eligible, in the event of his being retired from that employment, to be re-employed in the Public Service, if the contributor, having been retired from that employment but not having reached sixty years of age and not being disabled, fails to apply for re-employment in the Public Service or refuses to accept a position in the Public Service that, in the opinion of the Treasury Board, is commensurate with his qualifications, he is deemed to have ceased to be employed in the Public Service, not having reached sixty years of age, for a reason other than disability or misconduct.

Failure to
apply for
re-employ-
ment.

MEDICAL EXAMINATIONS.

Medical
examinations
in certain
cases.

18. (1) Subject to subsection (3) but notwithstanding anything else in this Act, a person who becomes a contributor under this Act on or after its coming into force,

(a) not having been a contributor under Part I of the *Superannuation Act* immediately prior to the coming into force of this Act, and

(b) not having been employed in the Public Service substantially without interruption for a period of five years immediately prior to becoming a contributor under this Act,

is not entitled under this Act to elect to pay for any period of service prior to becoming a contributor (except any such period immediately prior to becoming a contributor during which he was employed in the Public Service), unless he has been medically examined, as prescribed in the regulations.

Failure to
pass medical
examination.

(2) Notwithstanding anything in this Act, where a contributor to whom subsection (1) applies has been medically examined, as prescribed in the regulations, and has failed to pass the examination, neither the contributor nor his widow or children shall become entitled to any benefit under this Act other than a return of contributions unless the contributor continues to be employed in the Public Service for a further period of not less than five years from the time of that examination.

Prohibited
elections.

(3) Notwithstanding anything in this Act, a contributor is not entitled to elect to pay for any period of service described in clause (F) of subparagraph (iii) of paragraph (b) of subsection (1) of section 5, unless he has passed a medical examination, as prescribed in the regulations, not more than thirty days prior to the time of making the election.

DIVERSION OF AMOUNTS PAYABLE IN CERTAIN CASES.

"Recipient"
defined.

19. (1) For the purposes of this section, "recipient" means a person to whom any benefit has become payable under this Act including any amount payable under section 26 or 27.

Payment to
dependants of
recipient.

(2) Where any court in Canada of competent jurisdiction has made an order requiring a recipient to pay an amount to his spouse, former spouse, child or other dependant and the court has issued to the Minister a notice, in the form prescribed in the regulations, requesting him on behalf of the recipient to pay to the person named in the order an amount therein specified, the Minister may, in accordance with the notice, deduct such amount, either in a lump sum or in

instalments, from any amount that is or becomes payable to the recipient under this Act, and may pay the amount so deducted to the person named in the order.

(3) Where, for any reason, a recipient is unable to manage his own affairs, or where he is incapable of managing his own affairs and there is no person entitled by law to act as his committee, the Minister may pay to any person designated by the Treasury Board to receive payment on behalf of the recipient any amount that is payable to the recipient under this Act.

Where recipient unable to manage affairs.

(4) For the purposes of this Act, any payment made by the Minister pursuant to subsection (2) or (3) is deemed to be a payment to the recipient in respect of whom such payment is made.

Payment deemed to be to recipient.

SPECIAL CASES.

Former Provincial Government Employees

20. (1) In this section,

(a) "provincial scheme" means any provision made by law for the payment of superannuation or pension benefits to persons employed under a provincial government; and

"Provincial scheme".

(b) "provincial service" means service under a provincial government that may be counted for superannuation or pension purposes under a provincial scheme.

"Provincial service".

(2) Subject to subsection (3), where a contributor to whom section 11C or 11D of the *Superannuation Act* applied ceases to be employed in the Public Service to become re-employed by the provincial government by which he was employed immediately prior to becoming employed in the Public Service, and where the period of his service in the Public Service may be counted by him under a provincial scheme as though it were provincial service, the Governor in Council may authorize payment to that government of an amount equal to the aggregate of

Contributors returning to provincial service.

(a) twice the amount of the contributions made by the contributor to the Superannuation Account in respect of his service in the Public Service, with simple interest at four per cent per annum from the middle of the fiscal year in which those contributions were made,

(b) the amount of his contributions, if any, to the Superannuation Account in respect of his provincial service, with interest, as described in paragraph (a), and

(c) any amount transferred by that government in respect of his provincial service and credited to the Superannuation Account, with simple interest at four per cent per annum from the time when such transfer was made.

Consent to
payment.

(3) No payment shall be made pursuant to subsection (2) except with the consent in writing of the contributor, and upon the making of the payment the contributor ceases to be entitled to any benefit under this Act other than a return of his contributions, if any, to the Superannuation Account in respect of service other than service in the Public Service or provincial service, without interest.

Transferred Pensionable Newfoundland Employees.

"Newfound-
land Act".

"Newfound-
land service".

"Transferred
pensionable
Newfound-
land
employee".

21. (1) In this section,

(a) "Newfoundland Act" means the Civil Service Acts, 1947-1949 of Newfoundland;

(b) "Newfoundland service" means pensionable service as defined in the *Newfoundland Act*; and

(c) "transferred pensionable Newfoundland employee" means a person who was

(i) an established civil servant, as defined in the *Newfoundland Act*, or

(ii) a civil servant to whom section 41 of the *Newfoundland Act* applied,

in a service of the Government of Newfoundland that has been taken over by Canada pursuant to the Terms of Union of Newfoundland with Canada and who became an employee of the Government of Canada pursuant to an offer of employment made in accordance with the Terms of Union.

Newfound-
land service
countable.

(2) A contributor who, being a transferred pensionable Newfoundland employee, did not elect in accordance with the *Superannuation Act* and the regulations thereunder not to count his Newfoundland service as service in the Civil Service is entitled to count such Newfoundland service as pensionable service for the purposes of subsection (1) of section 5.

Average
annual
salary.

(3) For the purposes of paragraph (b) of subsection (1) of section 9, the average annual salary of a contributor to whom subsection (2) applies is the average annual salary received by him

(a) during either period specified in paragraph (b) of subsection (1) of section 9, or

(b) during the period of his Canadian service and the last three years of his Newfoundland service, whichever period is the shorter.

Adjustment
of benefits
in certain
cases.

(4) Notwithstanding anything in this Act, where a contributor to whom subsection (2) applies ceases to be employed in the Public Service, not having reached sixty-five years of age, or, in the case of a female contributor, not having reached sixty years of age, the amount of any benefit

payable to the contributor under this Act, other than a return of contributions, shall be adjusted in accordance with the regulations.

(5) Where a contributor who, being a transferred pensionable Newfoundland employee, elected in accordance with the *Superannuation Act* and the regulations thereunder not to count his Newfoundland service as service in the Civil Service ceases to be employed in the Public Service, the Governor in Council may grant to him, in respect of his Newfoundland Service, a pension or gratuity like that which might have been granted to him in respect of that service, under the *Newfoundland Act*, upon his retirement under that Act under circumstances similar to those under which he ceased to be employed in the Public Service, the payment of which pension or gratuity may be suspended or terminated by the Governor in Council under circumstances similar to those under which it might have been suspended or terminated had the pension or gratuity been granted under the *Newfoundland Act*.

Where an election not to count Newfoundland service.

(6) Notwithstanding subsection (5), no pension or gratuity may be granted pursuant to subsection (5) under the circumstances set forth in section 26 of the *Newfoundland Act*.

Saving provision.

(7) Subsection (3) of section 8 does not apply in respect of a transferred pensionable Newfoundland employee.

Idem.

Diplomatic and Consular Representatives.

22. A person who, being a diplomatic or consular representative of Her Majesty in right of Canada, was a contributor under this Act immediately prior to his appointment, or was a contributor under Part I of the *Superannuation Act* immediately prior to his appointment and immediately prior to the coming into force of this Act, is deemed for the purposes of this Act to be employed in the Public Service.

Diplomatic and consular representatives.

Public Service Corporations.

23. (1) In this section,

(a) "Public Service corporation" means any board, commission or corporation specified in Part I of Schedule A;

"Public Service corporation".

(b) "other corporation" means any corporation that is an agent of Her Majesty in right of Canada, other than a corporation specified in Part I of Schedule A; and

"Other corporation".

(c) "employee" includes an officer or member of a corporation.

Contributions in respect of employees of corporation.

(2) Where a person is an employee of a Public Service corporation and is a contributor under this Act, or where he is an employee of any other corporation and is a contributor under this Act by reason of a provision in any Act of the Parliament of Canada that he continues to be a contributor during his employment with that corporation, the Public Service corporation or other corporation as the case may be shall, from time to time as required by the Minister, pay into the Superannuation Account, in respect of the contributions of that person to the Superannuation Account in the course of his employment with the corporation, such amount as is determined by the Minister in accordance with the regulations.

Parts II to IV of the Superannuation Act.

Service under Part I of the *Superannuation Act*.

24. (1) For the purposes of subsection (1) of section 5, the service of a person as a contributor under Part I of the *Superannuation Act* is deemed to include, in the case of any person to whom Part II, III or IV of the *Superannuation Act* applied, any period of service that, under the Part so applicable to him, he was entitled to count in computing allowances under that Act.

Average annual salary.

(2) For the purposes of paragraph (b) of subsection (1) of section 9, the average annual salary received by a contributor who, on or before the 19th day of July, 1927, elected under Part II or IV of the *Superannuation Act* to become a contributor under Part I of that Act and who has not, at any time since so electing, received any amount by way of a return of contributions or other lump sum payment under this Act or under Part I of the *Superannuation Act*, is the average annual salary received by him during either period specified in paragraph (b) of subsection (1) of section 9 or the average annual salary received by him during the last five years of his employment in the Public Service, whichever is the greater.

Contributors re-employed.

(3) Notwithstanding paragraph (b) of section 16, where a person to whom subsection (2) applies, who, as a contributor under this Act or Part I of the *Superannuation Act*, has become entitled to or has been granted any benefit other than an amount by way of a return of contributions or other lump sum payment, is re-employed in the Public Service and becomes a contributor under this Act, he may elect, at any time before he ceases to be so re-employed, to retain whatever right or claim that he may have to that benefit at the time of making the election, except insofar as it might become payable to him before such time as he ceases to be so employed, but if he so elects the period of service upon which that benefit is based shall not be counted

for the purpose of any other benefit to which he may become entitled under this Act by reason of having become re-employed in the Public Service, nor shall the provisions of subsection (2) apply for that purpose, and if he does not so elect he shall be subject to the provisions of paragraph (b) of section 16 in all respects, without reference to subsection (2).

(4) Nothing in this Act shall prejudice any right acquired under subsection (2) or (4) of section 19 of the *Superannuation Act* by any person to whom Part III of that Act applied. Saving provision.

*Royal Canadian Mounted Police and Defence
Services Pension Acts.*

25. (1) In this section,

(a) "Force" means the Royal Canadian Mounted Police Force; "Force".

(b) "member of the Force" means an officer, non-commissioned officer, man or woman of the Force; "Member of the Force".

(c) "forces" means the regular forces, and includes the forces known, prior to the coming into force of Part II of *The National Defence Act*, as the Royal Canadian Navy, the Canadian Army Active Force, the Permanent Active Militia, the Permanent Militia Corps, the permanent staff of the Militia, the Royal Canadian Air Force (Regular) and the Permanent Active Air Force; and "Forces".

(d) "member of the forces" means an officer or a man or woman of the forces. "Member of the forces."

(2) Any person who becomes a contributor under this Act, having been a member of the Force but not having become entitled to a pension under the *Royal Canadian Mounted Police Act*, or having been a member of the forces but not having become entitled to a pension under *The Defence Services Pension Act*, is entitled to count as pensionable service for the purposes of subsection (1) of section 5 any period of service that, under the *Royal Canadian Mounted Police Act* or *The Defence Services Pension Act* as the case may be, he was entitled to count for pension purposes, if he elects, within one year of becoming a contributor under this Act, to pay for that service, in which case the amount required by this Act to be paid by him for that service is, Service countable.

(a) in the case of service for which, by the *Royal Canadian Mounted Police Act* or *The Defence Services Pension Act* as the case may be, he was required to pay, any amount by which

(i) the total amount required by that Act to be paid by him for that service exceeds

(ii) the total amount actually paid by him for that service, less any amount paid to him under that Act at any time prior to the making of the election;

and

(b) in the case of service for which, by the *Royal Canadian Mounted Police Act* or *The Defence Services Pension Act* as the case may be, he was not required to pay, an amount equal to the amount that he would have been required to pay had he, during the period of that service, been required to contribute in the manner and at the rates set forth in subsection (1) of section 4, in respect of pay or pay and allowances at a rate equal to the rate of pay or pay and allowances authorized for pension purposes to have been paid to him during that period, together with interest, as defined in subsection (2) of section 6.

Salary deemed to have been received.

(3) For the purposes of this Act, the salary deemed to have been received by a person to whom subsection (2) applies, during any period of service of a kind described in paragraph (a) or (b) of subsection (2), is a salary at a rate equal to the rate of pay, or pay and allowances, on the basis of which the amount required to be paid for that period of service

(a) by the *Royal Canadian Mounted Police Act* or *The Defence Services Pension Act* as the case may be, in the case of service of a kind described in paragraph (a) of subsection (2), or

(b) by this Act, in the case of service of a kind described in paragraph (b) of subsection (2), was determined.

Right to retain pension.

(4) Any person who becomes a contributor under this Act, having been a member of the Force and having become entitled to a pension under the *Royal Canadian Mounted Police Act*, or having been a member of the forces and having become entitled to a pension under *The Defence Services Pension Act*, is entitled, for the purposes of this Act, to retain that pension, but the period of service upon which that pension was based may not be counted by that person for the purpose of any benefit to which he may become entitled under this Act by reason of having become a contributor hereunder.

Election to surrender pension.

(5) Notwithstanding subsection (4), any person to whom that subsection applies may elect, within one year of becoming a contributor under this Act, to surrender the pension therein referred to, whereupon he shall cease to be entitled to that pension, notwithstanding anything in the *Royal Canadian Mounted Police Act* or *The Defence*

Services Pension Act, and shall be subject to the provisions of subsection (2) in all respects as though he had not become entitled to a pension thereunder but had elected under subsection (2) to pay for the period of service upon which that pension was based.

(6) The Minister shall credit to the Superannuation Account, in the case of an election to pay for any period of service of a kind described in paragraph (a) of subsection (2), an amount equal to twice the total amount referred to in subparagraph (i) of paragraph (a) of subsection (2), less the amount specified in paragraph (a) of subsection (2) to be paid by the person by whom the election is made, and, in the case of an election to pay for any period of service of a kind described in paragraph (b) of subsection (2), an amount equal to the amount specified in paragraph (b) of subsection (2) to be paid by the person by whom the election is made.

Amount to be credited to the Superannuation Account.

Retirement Fund Contributors.

26. (1) Upon the coming into force of this Act, any amount in the Retirement Fund to the credit of any person other than

Certain contributions to be returned.

(a) a person to whom Part II of the *Civil Service Superannuation and Retirement Act* applies, or

(b) a person to whom section 27 applies, shall, subject to subsection (2), be paid to that person.

(2) Any amount in the Retirement Fund to the credit of a person who, on or after the coming into force of this Act, becomes a contributor under this Act shall forthwith be transferred to the Superannuation Account, to the credit of that person.

Contributions to be transferred.

27. (1) This section applies to every person who, not being required to contribute to the Superannuation Account,

Application.

(a) is employed in the Public Service as a prevailing rate or seasonal employee and

(i) is not a part-time or sessional employee,

(ii) is in receipt of a salary computed at an annual rate of nine hundred dollars or more, and

(iii) was not engaged locally outside Canada, or

(b) is an employee to whom Part VI of the *Superannuation Act* applied immediately prior to the coming into force of this Act, whose service in the Public Service since the coming into force hereof has been continuous.

(2) Every person to whom this section applies is required to contribute to the Retirement Fund, by reservation from salary,

Contributions required.

(a) five per cent of his salary, in the case of a person who is not an insured person within the meaning of *The Unemployment Insurance Act, 1940*, and

(b) four per cent of his salary, in the case of a person who is an insured person within the meaning of that Act.

Persons
exempted.

(3) Notwithstanding subsection (2), the Governor in Council may at any time after the coming into force of this Act exempt any person to whom this section applies, individually or as a member of a class, from the application of this section.

Right to
return of
contributions.

(4) Where a person who is required by subsection (2) to contribute to the Retirement Fund

(a) ceases to be employed in the Public Service, or

(b) is exempted from the application of this section pursuant to subsection (3),

any amount to his credit in the Retirement Fund shall forthwith be paid to him.

Idem.

(5) Upon the death of a person required by subsection (2) to contribute to the Retirement Fund, any amount to the credit of that person in the Retirement Fund shall be paid to his estate or, if less than five hundred dollars, as authorized by the Treasury Board.

Interest to
be credited.

(6) All amounts reserved from the salary of a person to whom this section applies shall be credited to that person's separate account in the Retirement Fund, and the Minister shall credit to that account an amount representing interest at four per cent per annum on the total amount to that person's credit in the said account upon the 31st day of December in each year.

RECIPROCAL TRANSFER AGREEMENTS.

"Public
service
employer"
defined.

28. (1) In this section "public service employer" means a Crown corporation as defined in section 76 of *The Financial Administration Act* (except any such corporation specified in Part I of Schedule A), the government of a province or a municipality, the government of any country other than Canada or any international organization designated by the Governor in Council for the purposes of this section, and includes, for such purposes, the Bank of Canada.

Authority
to enter into
agreement.

(2) The Minister may, with the consent of the Governor in Council and in terms approved by the Treasury Board, enter into an agreement with any public service employer whereby, in consideration of the agreement of that employer to pay into the Superannuation Account an amount determined in accordance with the agreement in respect of any employee of that employer who becomes or has become

employed in the Public Service, the Minister will pay to that employer for the purpose of any superannuation or pension fund or plan established for the benefit of employees of that employer, an amount determined in accordance with subsection (3) in respect of any contributor who ceases to be employed in the Public Service to become employed by that employer.

(3) Where a contributor ceases to be employed in the Public Service to become employed by any public service employer with whom the Minister has entered into an agreement pursuant to subsection (2), the Minister may, if the agreement so provides, pay to that employer out of the Superannuation Account

Authority to transfer contributions.

(a) an amount equal to the total amount paid into the Superannuation Account in respect of that employee, except any portion thereof so paid by Her Majesty in right of Canada,

(b) such amount paid into the Superannuation Account in respect of that employee by Her Majesty in right of Canada as the Minister determines, and

(c) such amount representing interest as the Minister determines.

(4) No payment shall be made pursuant to subsection (3) except with the consent in writing of the contributor, and upon the making of the payment the contributor ceases to be entitled to any other benefit under this Act.

Consent of contributor.

(5) Where an employee of any public service employer with whom the Minister has entered into an agreement pursuant to subsection (2) has ceased to be employed by that employer to become employed in the Public Service, any service of that employee that, at the time he left such employment, he was entitled to count for the purpose of any superannuation or pension fund or plan established for the benefit of employees of that employer may, if the agreement so provides, be counted by him as pensionable service for the purposes of subsection (1) of section 5 without contribution by him except as specified in the agreement if, within one year from the time when he becomes a contributor under this Act, the employer pays into the Superannuation Account such amount as is required under the agreement to be so paid by that employer in respect of such employee.

Service countable by employee entering Public Service.

(6) The Minister may pay to any public service employer with whom he has entered into an agreement pursuant to subsection (2), in respect of any employee of that employer who, having been a contributor under Part I of the *Superannuation Act*, ceased to be employed in the Public Service prior to the coming into force of this Act to become employed by that employer and has not at any time received any

Transfer of past contributions.

withdrawal allowance or other benefit under the *Superannuation Act*, such amount out of the Superannuation Account, not exceeding the total amount paid into or credited to the said Account in respect of that employee, as is determined by the Minister, having regard to the terms of the agreement.

ADVISORY COMMITTEE.

Advisory
Committee.

29. (1) The Governor in Council may establish an Advisory Committee, to advise and assist the Minister on matters arising in connection with the administration of this Act.

Membership
of Com-
mittee.

(2) The membership of the Advisory Committee shall consist of twelve persons, appointed by the Governor in Council after consultation with the National Joint Council of the Public Service of Canada, for a term not exceeding three years each.

REGULATIONS.

Regulations.

30. (1) The Governor in Council may make regulations

- (a) prescribing the circumstances under which annuities and annual allowances are to be paid otherwise than in equal monthly instalments, and the manner in which they are to be paid in those circumstances;
- (b) prescribing the rates at which and the manner in which the interest to be credited to the Superannuation Account in any fiscal year shall be calculated;
- (c) designating the kind of service in the forces that, for the purposes of paragraph (a) of section 2, is active service;
- (d) prescribing, notwithstanding subsection (1) of section 4, the rates at which, the manner in which, and the circumstances under which persons who are required to contribute to the Superannuation Account in accordance with subsection (1) of section 4 but who are absent from the Public Service on leave of absence without pay shall contribute to the Superannuation Account in respect of that absence;
- (e) prescribing the basis of determining the portion that may be counted by a contributor, under subsection (1) of section 5, of any period specified in clause (B) of subparagraph (ii) of paragraph (a) of that subsection, and the basis of determining the amount that is required by subsection (1) of section 6 to be paid by the contributor in respect of the portion of any such period that is not included in the portion thereof determined by the Minister in accordance with the regulations made pursuant to this paragraph;

- (f) specifying, notwithstanding subsection (1) of section 5, the circumstances under which the pensionable service of a contributor shall be deemed not to include any period of service specified in clause (C) of subparagraph (iii) of paragraph (a) of that subsection;
- (g) specifying, for the purposes of paragraph (b) of subsection (2) of section 4 and paragraph (a) of subsection (2) of section 7, the kinds of superannuation or pension benefits therein referred to;
- (h) prescribing the bases as to mortality and interest on which the instalment payments referred to in subsection (5) of section 7 are to be computed, the terms upon which a contributor may pay for any period of service in instalments, and the method of determining the amounts to be reserved from any amount payable to him by Her Majesty in right of Canada, including any annuity or other benefit payable to him under this Act, in respect of unpaid instalments;
- (i) respecting the manner in which amounts referred to in subsection (7) of section 7 may be recovered from any allowance payable under this Act to the widow and children of a contributor;
- (j) prescribing, for the purposes of this Act, the methods by which and the bases upon which the capitalized value of any annuity or annual allowance shall be computed;
- (k) prescribing, for the purposes of paragraph (c) of subsection (1) of section 11, the method of determining the actuarial equivalent of any deferred annuity therein specified;
- (l) determining, in any case of doubt, the amount that is deemed for the purposes of this Act to be the salary of a contributor who is required to pay, out of his authorized salary, for the services of one or more assistants, or whose authorized salary includes any bonus or allowance of determinate or indeterminate amount;
- (m) specifying, for the purposes of this Act, the circumstances under which a person engaged otherwise than on a full-time basis shall be deemed to have been, while so engaged, employed in the Public Service, and respecting the determination, for any such purpose, of the salary of a person so engaged;
- (n) specifying, for the purposes of this Act, the circumstances under which a person's service in the Public Service shall be deemed to be substantially continuous or substantially without interruption;
- (o) respecting the determination, for the purposes of this Act, of the effective date upon which a person becomes or ceases to be employed in the Public Service;

- (p) prescribing, in respect of persons who are not, or have not been, in receipt of a stated annual salary,
 - (i) the method of computing their salary in terms of an annual or monthly rate, or in terms of any other rate the computation of which is necessary for the purposes of this Act,
 - (ii) the times and the manner in which contributions are to be reserved from salary, and
 - (iii) the method of computing periods of service, having regard to the periods during which they are or have been laid off from work;
- (q) determining, for greater certainty, the portions of the public service of Canada and the positions therein that form or did form part of the Public Service or Civil Service, and providing for the amendment of Schedule A for that purpose by the addition to Part II or III thereof of any such portion;
- (r) specifying, for the purposes of subsection (2) of section 13, the circumstances under which a child to whom that subsection applies shall be entitled to an allowance under this Act;
- (s) prescribing the amounts by which and the circumstances under which any allowance payable to a widow to whom subsection (4) of section 13 applies shall be reduced;
- (t) providing, notwithstanding section 38, for the continuation in force of any outstanding direction by the Treasury Board under subsection (1) of section 11A of the *Superannuation Act*, under the circumstances contemplated by that subsection and subject to modification or suspension by the Treasury Board for any reason that to the Board seems proper;
- (u) providing, notwithstanding anything in this Act, for the reduction of any annuity or annual allowance payable under this Act to or in respect of a person who has been convicted of an indictable offence committed by him while employed in the Public Service, where, in the opinion of the Treasury Board, the commission of that offence by him constituted misconduct in office;
- (v) specifying, notwithstanding subsection (3), the circumstances under which a person to whom section 16 applies, who holds an office or position or performs services the remuneration for which is payable out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada, shall be deemed to be employed in the Public Service for the purpose of paragraph (a) of that section;
- (w) respecting the medical examination of persons to whom section 18 applies, and respecting the certi-

fication of persons, upon medical examination, in accordance with section 15;

- (x) prescribing, for the purposes of subsection (2) of section 19, the form of the notice to the Minister therein referred to;
- (y) prescribing, for the purposes of subsection (4) of section 21, the amounts by which and the manner in which any benefit therein referred to shall be adjusted;
- (z) prescribing the method of determining the amount to be paid into the Superannuation Account by any Public Service corporation or other corporation referred to in section 23;
- (aa) defining, for the purposes of this Act, the expressions "prevailing rate employee" and "seasonal employee";
- (ab) providing, notwithstanding subsections (4) and (5) of section 35, for the reduction of any allowance that may become payable under this Act to the widow, children or other dependants of a person to whom Part III of the *Superannuation Act* applied, who, at the time of his election to become a contributor under Part I of that Act, failed to pay into the Consolidated Revenue Fund the amount referred to in subsection (2) of section 19 of the *Superannuation Act*;
- (ac) providing for payment out of the Superannuation Account, upon the death of a contributor and upon application to the Minister by or on behalf of any successor thereunder to whom any allowance becomes payable under this Act, of the whole or any part of such portion of the succession duties payable by that successor as is determined in accordance with the regulations to be attributable to the said allowance, and prescribing the amounts by which and the manner in which any such allowance and any amount payable under section 14 in any such case shall be reduced;
- (ad) notwithstanding any other Act of the Parliament of Canada, providing that, upon attaining such age as is fixed by the regulations, a contributor shall cease to be employed in the Public Service unless his continued employment therein is authorized in accordance with such regulations, and prescribing the circumstances under which and the conditions upon which he may continue to be employed in the Public Service after he has attained that age but saving all rights and privileges of either House of Parliament in respect of the control, removal or continuance in office of its officers, clerks and employees; and
- (ae) generally, for carrying out the purposes and provisions of this Act.

Regulations
re leave of
absence.

(2) For the purposes of this Act, a person who has contributed to the Superannuation Account in accordance with the regulations made by the Governor in Council pursuant to paragraph (*d*) of subsection (1), in respect of any period during which he was absent from the Public Service on leave of absence without pay, is deemed to have contributed to the Superannuation Account in respect of that period in accordance with subsection (1) of section 4.

Schedule A:
authority to
amend, etc.

(3) The Governor in Council may from time to time amend Schedule A by adding to Part I, III or IV thereof the name of any board, commission or corporation that is or was an agent or servant of Her Majesty in right of Canada; but for greater certainty the several positions in or under any board, commission or corporation not specified in Schedule A shall not be regarded as constituting or as having constituted part of the Public Service for the purposes of this Act.

Certain
members not
included.

(4) Notwithstanding paragraph (*j*) of section 2, a person who, being a member of any board, commission or corporation specified in Schedule A, was entitled as such under subsection (3) of section 2 of the *Superannuation Act* to elect to become a contributor under that Act but did not so elect within the time prescribed therefor is not employed in the Public Service for the purposes of this Act.

Authority
where
board etc.,
added to
Schedule A
has separate
pension plan

(5) Notwithstanding anything in this Act, the Governor in Council may by regulation provide that the service of an employee of any board, commission or corporation specified in Schedule A that may be counted by that employee for the purposes of any pension plan established for the benefit of employees of that board, commission or corporation may, to such extent and subject to such conditions as the regulations may prescribe, be counted by that employee as pensionable service for the purposes of this Act, and may by those regulations provide for payment out of the Superannuation Account of any pension granted under the provisions of any such plan, subject to such terms and conditions as the regulations may prescribe, and for the transfer to the Superannuation Account of any contributions made under the provisions of any such plan, including any contributions by or on behalf of the board, commission or corporation and any accrued interest.

"Employee"
defined.

(6) For the purposes of subsection (5), "employee" includes, with reference to any board, commission or corporation, an officer or member thereof.

PAYMENTS OUT OF THE ACCOUNT.

Payments
out of
Superannua-
tion Account.

31. Subject to sections 26 and 27, all amounts required for the payment of benefits herein specified, including the allowances referred to in subsection (3) of section 35, shall be paid out of the Superannuation Account.

AMOUNTS TO BE CREDITED TO THE ACCOUNT.

32. (1) There shall be credited to the Superannuation Account in each fiscal year

Amounts to be credited in each fiscal year.

(a) an amount representing interest on the balance from time to time to the credit of the said Account, at such rates and calculated in such manner as the Governor in Council by regulation prescribes,

(b) an amount matching the total amount estimated by the Minister to have been paid into the said Account during the preceding fiscal year by way of contributions in respect of current service other than current service with any Public Service corporation or other corporation as defined in section 23, and

(c) such amount in relation to the total amount paid into the said Account during the preceding fiscal year by way of contributions in respect of past service as is determined by the Minister.

(2) There shall be credited to the Superannuation Account, as soon as possible following the authorization of any salary increase of general application to the Public Service, such amount as, in the opinion of the Minister, is necessary to provide for the increase in the cost to Her Majesty in right of Canada of the benefits payable under this Act, as a result of such salary increase.

General salary increases.

ACTUARIAL REPORT.

33. The Minister shall lay before Parliament at least once in every five years an actuarial report on the state of the Superannuation Account, containing an estimate of the extent to which the assets of the said Account are sufficient to meet the cost of the benefits payable under this Act.

Actuarial report.

ANNUAL REPORT.

34. The Minister shall lay before Parliament each year a report on the administration of this Act during the preceding fiscal year, including a statement showing the amounts paid into and out of the Superannuation Account during that year, by appropriate classifications, the number of contributors and the number of persons receiving benefits under this Act, together with such additional information as the Governor in Council requires.

Annual report.

TRANSITIONAL.

35. (1) Notwithstanding section 38, the Governor in Council may grant to any person any allowance or gratuity that might have been granted to that person under the

Transitional grants.

Superannuation Act had that Act continued in force, for which that person had, prior to the 1st day of January, 1953, become eligible.

Idem.

(2) For the purposes of this section any allowance or gratuity granted to a person pursuant to subsection (1) shall be deemed to have been granted to that person under the *Superannuation Act*.

Continuation
of allowances.

(3) Subject to subsection (6), a person to whom any annual allowance has been granted under the *Superannuation Act* shall, for the purposes of this Act, be deemed to have become entitled to that allowance under this Act.

Persons
deemed to be
contributors.

(4) For the purposes of this Act, a person to whom, as a contributor under Part I of the *Superannuation Act*, any annual allowance has been granted under the *Superannuation Act* shall, upon his death at any time after the 31st day of December, 1952, be deemed to have been a contributor under this Act at the time of his death, who, having been a contributor under Part I of the *Superannuation Act* immediately prior to the coming into force of this Act, had become entitled under the relevant provisions of this Act to a benefit herein provided, of a kind similar to that granted to him under the *Superannuation Act*, but in the event of any refund of contributions having been made to or in respect of that person pursuant to subsection (4) of section 7 of the *Superannuation Act*, shall be deemed to have selected, for the purposes of paragraph (b) of subsection (1) of section 9, the period fixed by the *Superannuation Act* for the purpose of computing his allowance under that Act.

Idem.

(5) For the purposes of this Act, a person who, at any time after the 31st day of December, 1952 but before the coming into force of this Act, ceased to be employed in the Public Service, having been, at the time he ceased to be so employed, a person to whom Part I of the *Superannuation Act* applied, is deemed to have been, at the time he ceased to be so employed, a contributor under this Act who, immediately prior to the coming into force of this Act, had been a contributor under Part I of the *Superannuation Act*, subject, however, to the provisions of subsection (4) respecting refunds.

Set-off of
payments.

(6) Where any benefit has been granted to a person under the *Superannuation Act* as a consequence of the death of any person described in subsection (4) or as a consequence of any person described in subsection (5) having ceased to be employed in the Public Service,

(a) if the benefit so granted was an allowance other than an allowance payable in a lump sum, whatever right or claim that person may have in respect thereof upon the coming into force of this Act is terminated, and any payment in respect thereof made to that person under the *Superannuation Act* shall be set off against

any amount payable to or in respect of that person under this Act, and

(b) if the benefit so granted was a gratuity or an allowance payable in a lump sum, he is entitled to an annuity or annual allowance provided for by this Act only if, within ninety days after the coming into force of this Act, he pays into the Superannuation Account an amount equal to the gratuity or allowance so granted; except that any such person to whom any annual allowance has been granted under the *Superannuation Act* by reason of the abolition of his office shall be deemed, for the purposes of this section, to have ceased to be employed in the Public Service prior to the 1st day of January, 1953.

(7) For the purposes of this Act, a person who

(a) is employed in the Public Service upon the coming into force of this Act, and

(b) was, immediately prior to the coming into force of this Act, a person to whom Part I of the *Superannuation Act* applied,

Persons
employed in
Public
Service upon
coming into
force of Act.

is deemed to have been a contributor under Part I of the *Superannuation Act* immediately prior to the coming into force of this Act and, notwithstanding section 4 of this Act, to have become a contributor under this Act upon its coming into force, except that upon so becoming a contributor he shall be subject in all respects to the provisions of section 4.

(8) Notwithstanding anything in this section, any person to whom subsection (5) applies may, in accordance with regulations of the Governor in Council,

(a) make any election, exercise any option or do any other act contemplated by this Act as though that person were still employed in the Public Service, and

(b) elect to retain or receive, in lieu of any other benefit payable to or in respect of that person under this Act, any benefit that has been or might have been granted to him under the *Superannuation Act* upon ceasing to be employed in the Public Service and upon so electing he is entitled to that benefit less any amount thereof that has previously been paid to him.

36. Where, in any Act of the Parliament of Canada, reference is made to the *Superannuation Act* or to any Part, section, subsection or other division thereof, or to any word or expression used or defined therein, such reference shall be construed as a reference to the provisions of this Act corresponding to the provisions of the *Superannuation Act* so referred to, but if, in the opinion of the Governor in Council,

References
to the
*Superannua-
tion Act*.

(a) there are no provisions in this Act corresponding to the provisions of the *Superannuation Act* so referred

to, or there are provisions in this Act corresponding in part only thereto,

(b) there is doubt as to which provisions of this Act correspond to the provisions of the *Superannuation Act* so referred to, or

(c) the purposes and provisions of such other Act cannot be carried out by substituting references to this Act or any of the provisions thereof for references to the *Superannuation Act* or any of the provisions thereof, the Governor in Council may make regulations prescribing the manner in which and the extent to which this Act or any provision thereof is to be substituted for any such reference to the *Superannuation Act*, adapting the provisions of this Act to meet the circumstances contemplated by such other Act, and generally may make regulations for carrying out, in relation to this Act, the purposes and provisions of such other Act.

COMING INTO FORCE.

Coming into force.

37. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

REPEAL.

Repeal:
when
effective.

38. (1) If this Act comes into force before the day on which the Revised Statutes of Canada, 1952, come into force,

(a) the *Civil Service Superannuation Act*, chapter 24 of the Revised Statutes of Canada, 1927, is repealed on the day this Act comes into force, and the *Civil Service Superannuation Act*, chapter 50 of the Revised Statutes of Canada, 1952, is repealed on the day the Revised Statutes of Canada, 1952, come into force, and

(b) a reference in this Act to any other Act of the Parliament of Canada shall be construed as a reference to such other Act as enacted before the coming into force of the Revised Statutes of Canada, 1952.

(2) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952, come into force, then

(a) the *Civil Service Superannuation Act*, chapter 50 of the Revised Statutes of Canada, 1952, is repealed on the day this Act comes into force, and

(b) a reference in this Act to any enactment that is repealed by the operation of subsection (2) of section 7 of *An Act respecting the Revised Statutes of Canada*, chapter 67 of the statutes of 1947-48, shall be construed as a reference to any enactment included in the Revised Statutes of Canada, 1952, that relates to the same subject matter as the enactment so repealed.

SCHEDULE A

PART I

*Boards, Commissions and Corporations
forming part of the Public Service*

Agricultural Prices Support Board
 Air Transport Board
 Atomic Energy Control Board
 Atomic Energy of Canada Limited
 Board of Grain Commissioners
 Board of Transport Commissioners
 Canadian Commercial Corporation
 Canadian Farm Loan Board
 Canadian Maritime Commission
 Canadian Pension Commission
 Civil Service Commission
 Commodity Prices Stabilization Corporation
 Crown Assets Disposal Corporation
 Defence Research Board
 Director of Soldier Settlement
 The Director, Veterans' Land Act
 Dominion Coal Board
 Export Credits Insurance Corporation
 Federal District Commission
 Fisheries Prices Support Board
 Fisheries Research Board
 Income Tax Appeal Board
 International Joint Commission
 National Battlefields Commission
 National Film Board
 National Gallery of Canada
 National Harbours Board
 National Research Council
 Northwest Territories Power Commission
 Restrictive Trade Practices Commission
 Tariff Board
 Unemployment Insurance Commission
 War Veterans Allowance Board

PART II

*Portions of the public service of Canada
declared for greater certainty to be part
of the Public Service*

Auditor General and Office of the Auditor General
 Office of the Custodian of Enemy Property (which is deemed
 for the purposes of section 23 to be a Public Service
 corporation)

Chief Electoral Officer and Office of the Chief Electoral Officer
 Governor General's Secretary and Office of the Governor General's Secretary
 Postmasters and Assistant Postmasters in Revenue Post Offices
 Clerk of the Privy Council and Privy Council Office
 Taxation Division, Department of National Revenue

PART III

Boards, Commissions, Corporations and portions of the public service of Canada deemed to have formed part of the Public Service

Allied War Supplies Corporation
 Associate Committees of the National Research Council
 Biological Board of Canada
 Board of Commerce
 Board of Review
 British Columbia Security Commission
 Canada Food Board
 Canada Radio Broadcasting Commission
 Canadian Export Board
 Canadian Mutual Aid Board
 Canadian Shipping Board
 Central Appeal Tribunal
 Cutting Tools and Gauges Limited
 Defence Purchasing Board
 Dominion Franchise Commissioner, Office of
 Dominion Marketing Board
 Economic and Development Commission
 Federal Aircraft Limited
 Federal Appeal Board
 Foreign Exchange Control Board
 Government Contracts Supervision Committee
 Harbour Commissions included in the definition of "Corporations" in section 2 of *The National Harbours Board Act, 1936*
 Inspection Board of the United Kingdom and Canada
 Military Hospital Commission
 Military Service Council
 National Transcontinental Railway Commission
 National War Finance Committee
 National War Labour Board
 Office of the Director of Public Information
 Purchasing Commission of Canada
 Soldier Settlement Board

Victory Aircraft Limited
War Committee of the Cabinet
War Purchasing Committee
War Supplies Limited
War Supply Board
Wartime Information Board
Wartime Merchant Shipping Limited
Wartime Metals Corporation
Wartime Prices and Trade Board

PART IV

*Corporations declared to form or to have formed part of
the Public Service for limited purposes only*

Corporations to which the *Government Companies Operation Act* applies

(1) Employment of a person with a corporation included in this Part is employment in the Public Service only if that person is not by this Part precluded from contributing to the Superannuation Account in respect of that employment.

(2) No person shall, while he is employed by a corporation included in this Part, contribute to the Superannuation Account under subsection (1) of section 4 unless he is a person who by reason of a provision in any other Act of the Parliament of Canada continues to be a contributor during his employment with that corporation.

(3) No person may elect under this Act to pay for service with a corporation included in this Part if he became employed in the Public Service after the coming into force of this Act.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 48.

An Act to amend The Radio Act, 1938.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. (1) Subsection (1) of section 2 of *The Radio Act, 1938*, chapter 50 of the statutes of 1938, is amended by adding thereto, immediately after paragraph (b) thereof, the following paragraph:

“(bb) “commercial broadcasting receiving station” means a private receiving station operated for gain;”

“Commercial
broadcasting
receiving
station”.

(2) Paragraph (j) of subsection (1) of section 2 of the said Act is repealed and the following substituted therefor:

“(j) “radio station”, and the same expression when abbreviated as “station”, means a station, other than a private receiving station, equipped with transmitting or receiving radio apparatus or both and intended for, or capable of being used for, any form of radioelectric communication, whether by transmission or reception or both, and includes a commercial broadcasting receiving station;”

“Radio
station”.

2. Paragraph (b) of subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

Power of
Governor
in Council.

“(b) make regulations prohibiting or regulating the sale or use of any machinery, apparatus or equipment, causing or liable to cause interference to radio reception, and prescribing the penalties recoverable on summary conviction for the violation or non-observance of any such regulation, but such penalty shall not exceed fifty dollars per day for each day during which such violation or non-observance continues;”

3. Paragraph (e) of subsection (1) of section 4 of the said Act is repealed. Repeal.

4. Section 5 of the said Act is repealed and the following substituted therefor:

Licences
required.

"5. (1) No person shall establish a radio station, or install, operate or have in his possession a radio apparatus consisting of a reasonably complete and sufficient combination of distinct radio appliances intended for or capable of being used as a radio station at any place in Canada or on any aircraft registered in Canada, except under and in accordance with a licence granted by the Minister in that behalf.

Exemption.

(2) The Governor in Council may, by regulation and on such terms and conditions as he may prescribe, exempt from the operation of this section a radio station temporarily in Canada that is

(a) duly licensed by the country in which the owner of the station resides, and

(b) owned by a person who is a resident and citizen of a country that grants a reciprocal exemption to residents of Canada."

5. Subsection (1) of section 9 of the said Act is repealed and the following substituted therefor:

Search
warrant.

"9. (1) Where a magistrate or justice of the peace is satisfied by information on oath that there is reasonable ground for believing that a radio station has been established without a licence, or that any radio apparatus has been installed, or is being operated, or is in possession of any person in any place in Canada within his jurisdiction without a licence in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Minister and named in the warrant."

6. Subsections (1) and (2) of section 10 of the said Act are repealed and the following substituted therefor:

Penalty for
establishing
stations
without
authority.

"10. (1) Any person who establishes a radio station or installs, operates or has in his possession a radio apparatus, in violation of the provisions of this Act is liable on summary conviction to a fine not exceeding fifty dollars and on conviction on indictment to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months, and in the case of any conviction under this section the radio apparatus or equipment, to which the offence relates, may be forfeited to Her Majesty by order of the Minister for such disposition as the Minister may direct.

Burden of
proof.

(2) Whenever any person is charged with an offence against section five of this Act, if he is proved to be the owner, tenant or the person in control of the premises, place, aircraft, automobile or other vehicle where a radio station or radio apparatus is found, there shall be a pre-

sumption that he did establish the radio station or that he did install, operate or have the said apparatus in his possession."

7. This Part shall be deemed to have come into force on the 31st day of March, 1953. Coming into force.

PART II.

8. (1) Subsection (1) of section 2 of the *Radio Act*, chapter 233 of the Revised Statutes of Canada, 1952, is amended by adding thereto, immediately after paragraph (b) thereof, the following paragraph:

"(bb) "commercial broadcasting receiving station" means a private receiving station operated for gain;" "Commercial broadcasting receiving station".

(2) Paragraph (j) of subsection (1) of section 2 of the said Act is repealed and the following substituted therefor:

"(j) "radio station", and the same expression when abbreviated as "station", means a station, other than a private receiving station, equipped with transmitting or receiving radio apparatus or both and intended for, or capable of being used for, any form or radioelectric communication, whether by transmission or reception or both, and includes a commercial broadcasting receiving station;" "Radio station".

9. Paragraph (b) of subsection (1) of section 3 of the said Act is repealed and the following substituted therefor: Powers of Governor in Council.

"(b) make regulations prohibiting or regulating the sale or use of any machinery, apparatus or equipment, causing or liable to cause interference to radio reception, and prescribing the penalties recoverable on summary conviction for the violation or non-observance of any such regulation, but such penalty shall not exceed fifty dollars per day for each day during which such violation or non-observance continues;"

10. Paragraph (e) of subsection (1) of section 4 of the said Act is repealed. Repeal.

11. Section 5 of the said Act is repealed and the following substituted therefor:

"5. (1) No person shall establish a radio station, or install, operate or have in his possession a radio apparatus consisting of a reasonably complete and sufficient combination of distinct radio appliances intended for or capable of being used as a radio station at any place in Canada or on any aircraft registered in Canada, except under and in accordance with a licence granted by the Minister in that behalf. Licences required.

Exemption.

(2) The Governor in Council may, by regulation and on such terms and conditions as he may prescribe, exempt from the operation of this section a radio station temporarily in Canada that is

(a) duly licensed by the country in which the owner of the station resides, and

(b) owned by a person who is a resident and citizen of a country that grants a reciprocal exemption to residents of Canada."

12. Subsection (1) of section 9 of the said Act is repealed and the following substituted therefor:

Search warrant.

"**9.** (1) Where a magistrate or justice of the peace is satisfied by information on oath that there is reasonable ground for believing that a radio station has been established without a licence, or that any radio apparatus has been installed, or is being operated, or is in possession of any person in any place in Canada within his jurisdiction without a licence in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Minister and named in the warrant."

13. Subsections (1) and (2) of section 10 of the said Act are repealed and the following substituted therefor:

Penalty for establishing stations without authority.

"**10.** (1) Any person who establishes a radio station or installs, operates or has in his possession a radio apparatus, in violation of the provisions of this Act is liable on summary conviction to a fine not exceeding fifty dollars and on conviction on indictment to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months, and in the case of any conviction under this section the radio apparatus or equipment, to which the offence relates, may be forfeited to Her Majesty by order of the Minister for such disposition as the Minister may direct.

Burden of proof.

(2) Whenever any person is charged with an offence against section 5 of this Act, if he is proved to be the owner, tenant or the person in control of the premises, place, aircraft, automobile or other vehicle where a radio station or radio apparatus is found, there shall be a presumption that he did establish the radio station or that he did install, operate or have the said apparatus in his possession."

Coming into force.

14. This Part shall come into force, and Part I (except section 7) is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

1 - 2 ELIZABETH II.

CHAP. 49.

An Act relating to Trade Marks and Unfair Competition.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the *Trade Marks Act*.

Short title.

INTERPRETATION.

2. In this Act,

- (a) "certification mark" means a mark that is used for the purpose of distinguishing or so as to distinguish wares or services that are of a defined standard with respect to
- (i) the character or quality of the wares or services,
(ii) the working conditions under which the wares have been produced or the services performed,
(iii) the class of persons by whom the wares have been produced or the services performed, or
(iv) the area within which the wares have been produced or the services performed,
from wares or services that are not of such a defined standard;
- (b) "confusing" when applied as an adjective to a trade mark or trade name, means a trade mark or trade name the use of which would cause confusion in the manner and circumstances described in section 6;
- (c) "Convention" means the Convention of the Union of Paris made on the 20th day of March, 1883, and any amendments and revisions thereof made before or after the coming into force of this Act to which Canada is a party;

Definitions.

"Certification mark".

"Confusing".

"Convention".

"Country of origin".

(d) "country of origin" means

- (i) the country of the Union in which the applicant for registration of a trade mark had at the date of the application a real and effective industrial or commercial establishment, or
- (ii) if the applicant did not at the date of the application have in a country of the Union an establishment as described in subparagraph (i), the country of the Union where he on that date had his domicile, or
- (iii) if the applicant did not at the date of the application have in a country of the Union an establishment as described in subparagraph (i) or a domicile as described in subparagraph (ii), the country of the Union of which he was on that date a citizen or national;

"Country of the Union".

(e) "country of the Union" means any country that is a member of the Union for the Protection of Industrial Property constituted under the Convention;

"Distinctive".

(f) "distinctive" in relation to a trade mark means a trade mark that actually distinguishes the wares or services in association with which it is used by its owner from the wares or services of others or is adapted so to distinguish them;

"Distinguishing guise".

(g) "distinguishing guise" means

- (i) a shaping of wares or their containers, or
- (ii) a mode of wrapping or packaging wares

the appearance of which is used by a person for the purpose of distinguishing or so as to distinguish wares or services manufactured, sold, leased, hired or performed by him from those manufactured, sold, leased, hired or performed by others;

"Owner".

(h) "owner" in relation to a certification mark means the person by whom the defined standard has been established;

"Package".

(i) "package" includes any container or holder ordinarily associated with wares at the time of the transfer of the property in or possession of the wares in the course of trade;

"Person".

(j) "person" includes any lawful trade union and any lawful association engaged in trade or business or the promotion thereof, and the administrative authority of any country, state, province, municipality or other organized administrative area;

"Person interested".

(k) "person interested" includes any person who is affected or reasonably apprehends that he may be affected by any entry in the register, or by any act or omission or contemplated act or omission under or contrary to the provisions of this Act, and includes the Attorney General of Canada;

- (*l*) "prescribed" means prescribed by or under the regulations; "Pre-scribed".
- (*m*) "proposed trade mark" means a mark that is proposed to be used by a person for the purpose of distinguishing or so as to distinguish wares or services manufactured, sold, leased, hired or performed by him from those manufactured, sold, leased, hired or performed by others; "Proposed trade mark".
- (*n*) "register" means the register kept under section 26; "Register".
- (*o*) "registered trade mark" means a trade mark that is on the register; "Registered trade mark".
- (*p*) "registered user" means a person registered as such under section 49; "Registered user".
- (*q*) "Registrar" means the Registrar of Trade Marks appointed under this Act; "Registrar".
- (*r*) "related companies" means companies that are members of a group of two or more companies one of which, directly or indirectly, owns or controls a majority of the issued voting stock of the others; "Related companies".
- (*s*) "representative for service" means the person or firm named under paragraph (*g*) of section 29, subsection (3) of section 37, paragraph (*a*) of subsection (1) of section 40, or subsection (1) of section 41; "Representative for service".
- (*t*) "trade mark" means "Trade mark".
- (i) a mark that is used by a person for the purpose of distinguishing or so as to distinguish wares or services manufactured, sold, leased, hired or performed by him from those manufactured, sold, leased, hired or performed by others,
- (ii) a certification mark,
- (iii) a distinguishing guise, or
- (iv) a proposed trade mark;
- (*u*) "trade name" means the name under which any business is carried on, whether or not it is the name of a corporation, a partnership or an individual; "Trade name".
- (*v*) "use" in relation to a trade mark, means any use that by section 4 is deemed to be a use in association with wares or services; "Use".
- (*w*) "wares" includes printed publications. "Wares".

3. A trade mark is deemed to have been adopted by a person when he or his predecessor in title commenced to use it in Canada or to make it known in Canada or, if he or such predecessor had not previously so used it or made it known, when he or such predecessor filed an application for its registration in Canada. When trade mark deemed to be adopted.

4. (1) A trade mark is deemed to be used in association with wares if, at the time of the transfer of the property in When trade mark deemed to be used.

or possession of such wares, in the normal course of trade, it is marked on the wares themselves or on the packages in which they are distributed or it is in any other manner so associated with the wares that notice of the association is then given to the person to whom the property or possession is transferred.

Idem.

(2) A trade mark is deemed to be used in association with services if it is used or displayed in the performance or advertising of such services.

Use by
export.

(3) A trade mark that is marked in Canada on wares or on the packages in which they are contained is, when such wares are exported from Canada, deemed to be used in Canada in association with such wares.

When trade
mark deemed
to be
made known
in Canada.

5. A trade mark is deemed to be made known in Canada by a person only if it is used by such person in a country of the Union, other than Canada, in association with wares or services, and

(a) such wares are distributed in association with it in Canada, or

(b) such wares or services are advertised in association with it in

(i) any printed publication circulated in Canada in the ordinary course of commerce among potential dealers in or users of such wares or services, or

(ii) radio broadcasts, as defined in the *Radio Act*, ordinarily received in Canada by potential dealers in or users of such wares or services,

and it has become well known in Canada by reason of such distribution or advertising.

When mark or
name
confusing.

6. (1) For the purposes of this Act a trade mark or trade name is confusing with another trade mark or trade name if the use of such first mentioned trade mark or trade name would cause confusion with such last mentioned trade mark or trade name in the manner and circumstances described in this section.

Idem.

(2) The use of a trade mark causes confusion with another trade mark if the use of both trade marks in the same area would be likely to lead to the inference that the wares or services associated with such trade marks are manufactured, sold, leased, hired or performed by the same person, whether or not such wares or services are of the same general class.

Idem.

(3) The use of a trade mark causes confusion with a trade name if the use of both the trade mark and trade name in the same area would be likely to lead to the inference that the wares or services associated with the trade mark and those associated with the business carried on under such trade name are manufactured, sold, leased, hired or performed by the same person, whether or not such wares or services are of the same general class.

(4) The use of a trade name causes confusion with a trade mark if the use of both the trade name and the trade mark in the same area would be likely to lead to the inference that the wares or services associated with the business carried on under such trade name and those associated with such trade mark are manufactured, sold, leased, hired or performed by the same person, whether or not such wares or services are of the same general class. Idem.

(5) In determining whether trade marks or trade names are confusing, the court or the Registrar, as the case may be, shall have regard to all the surrounding circumstances including What to be considered.

- (a) the inherent distinctiveness of the trade marks or trade names and the extent to which they have become known;
- (b) the length of time the trade marks or trade names have been in use;
- (c) the nature of the wares, services or business;
- (d) the nature of the trade; and
- (e) the degree of resemblance between the trade marks or trade names in appearance or sound or in the ideas suggested by them.

UNFAIR COMPETITION AND PROHIBITED MARKS.

7. No person shall

- (a) make a false or misleading statement tending to discredit the business, wares or services of a competitor; Prohibitions.
- (b) direct public attention to his wares, services or business in such a way as to cause or be likely to cause confusion in Canada, at the time he commenced so to direct attention to them, between his wares, services or business and the wares, services or business of another;
- (c) pass off other wares or services as and for those ordered or requested;
- (d) make use, in association with wares or services, of any description that is false in a material respect and likely to mislead the public as to
 - (i) the character, quality, quantity or composition,
 - (ii) the geographical origin, or
 - (iii) the mode of the manufacture, production or performance
 of such wares or services; or
- (e) do any other act or adopt any other business practice contrary to honest industrial or commercial usage in Canada.

8. Every person who in the course of trade transfers the property in or the possession of any wares bearing, or in packages bearing, any trade mark or trade name, shall, Warranty of lawful use.

unless before the transfer he otherwise expressly states in writing, be deemed to warrant, to the person to whom the property or possession is transferred, that such trade mark or trade name has been and may be lawfully used in connection with such wares.

Prohibited
marks.

9. (1) No person shall adopt in connection with a business, as a trade mark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for
- (a) the Royal Arms, Crest or Standard;
 - (b) the arms or crest of any member of the Royal Family;
 - (c) the standard, arms or crest of His Excellency the Governor General;
 - (d) any word or symbol likely to lead to the belief that the wares or services in association with which it is used have received or are produced, sold or performed under royal, vice-regal or governmental patronage, approval or authority;
 - (e) the arms, crest or flag adopted and used at any time by Canada or by any province or municipal corporation in Canada in respect of which the Registrar has at the request of the Government of Canada or of the province or municipal corporation concerned, given public notice of its adoption and use;
 - (f) the heraldic emblem of the Red Cross on a white ground, formed by reversing the federal colours of Switzerland and retained by the Geneva Convention for the Protection of War Victims of 1949, as the emblem and distinctive sign of the Medical Service of armed forces and used by the Canadian Red Cross Society; or the expression "Red Cross "or" Geneva Cross";
 - (g) the heraldic emblem of the Red Crescent on a white ground adopted for the same purpose as specified in paragraph (f) by a number of Moslem countries;
 - (h) the equivalent sign of the Red Lion and Sun used by Iran for the same purpose as specified in paragraph (f);
 - (i) any national, territorial or civic flag, arms, crest or emblem, or official control and guarantee sign or stamp, notice of the objection to the use of which as a commercial device has been received pursuant to the provisions of the Convention and publicly given by the Registrar;
 - (j) any scandalous, obscene or immoral word or device;
 - (k) any matter that may falsely suggest a connection with any living individual;
 - (l) the portrait or signature of any individual who is living or has died within the preceding thirty years;
 - (m) the words "United Nations" or the official seal or emblem of the United Nations;

(n) any badge, crest, emblem or mark

(i) adopted or used by any of Her Majesty's naval, army or air forces,

(ii) of any university, or

(iii) adopted and used by any public authority in

Canada as an official mark for wares or services, in respect of which the Registrar has, at the request of Her Majesty or of the university or public authority as the case may be, given public notice of its adoption and use; or

(o) the name "Royal Canadian Mounted Police" or "R.C.M.P." or any other combination of letters relating to the Royal Canadian Mounted Police, or any pictorial representation of a uniformed member thereof.

(2) Nothing in this section prevents the use as a trade mark or otherwise, in connection with a business, of any mark described in subsection (1) with the consent of Her Majesty or such other person, society, authority or organization as may be considered to have been intended to be protected by this section. Consent to use.

10. Where any mark has by ordinary and *bona fide* commercial usage become recognized in Canada as designating the kind, quality, quantity, destination, value, place of origin or date of production of any wares or services, no person shall adopt it as a trade mark in association with such wares or services or others of the same general class or use it in a way likely to mislead, nor shall any person so adopt or so use any mark so nearly resembling such mark as to be likely to be mistaken therefor. Further prohibitions.

11. No person shall use in connection with a business, as a trade mark or otherwise, any mark adopted contrary to section 9 or 10 of this Act or contrary to section 13 or 14 of *The Unfair Competition Act, 1932* or contrary to section 13 or 14 of the *Unfair Competition Act*, chapter 274 of the Revised Statutes of Canada, 1952. Idem.

REGISTRABLE TRADE MARKS.

12. (1) Subject to section 13, a trade mark is registrable if it is not

(a) a word that is primarily merely the name or the surname of an individual who is living or has died within the preceding thirty years; When trade mark registrable.

(b) whether depicted, written or sounded, either clearly descriptive or deceptively misdescriptive in the English or French languages of the character or quality of the wares or services in association with which it is used or proposed to be used or of the conditions of or the persons employed in their production or of their place of origin;

(c) the name in any language of any of the wares or services in connection with which it is used or proposed to be used;

(d) confusing with a registered trade mark; or

(e) a mark of which the adoption is prohibited by section 9 or 10.

Idem.

(2) A trade mark that is not registrable by reason of paragraph (a) or (b) of subsection (1) is registrable if it has been so used in Canada by the applicant or his predecessor in title as to have become distinctive at the date of filing an application for its registration.

When distinguishing
guises
registrable.

13. (1) A distinguishing guise is registrable only if

(a) it has been so used in Canada by the applicant or his predecessor in title as to have become distinctive at the date of filing an application for its registration, and

(b) the exclusive use by the applicant of such distinguishing guise in association with the wares or services with which it has been used is not likely unreasonably to limit the development of any art or industry.

Effect of
registration.

(2) No registration of a distinguishing guise interferes with the use of any utilitarian feature embodied in the distinguishing guise.

Not to
limit art
or industry

(3) The registration of a distinguishing guise may be expunged by the Exchequer Court of Canada on the application of any interested person if the Court decides that the registration has become likely unreasonably to limit the development of any art or industry.

Registration
of marks
registered
abroad.

14. (1) Notwithstanding section 12, a trade mark that the applicant or his predecessor in title has caused to be duly registered in his country of origin is registrable if, in Canada,

(a) it is not confusing with a registered trade mark;

(b) it is not without distinctive character, having regard to all the circumstances of the case including the length of time during which it has been used in any country;

(c) it is not contrary to morality or public order or of such a nature as to deceive the public; or

(d) it is not a trade mark of which the adoption is prohibited by section 9 or 10.

Definition of
marks
registered
abroad.

(2) A trade mark that differs from the trade mark registered in the country of origin only by elements that do not alter its distinctive character or affect its identity in the form under which it is registered in the country of origin shall be regarded for the purpose of subsection (1) as the trade mark so registered.

Registration
of confusing
marks

15. (1) Notwithstanding section 12 or 14, confusing trade marks are registrable if the applicant is the owner of

all such trade marks, which shall be known as associated trade marks.

(2) Upon the registration of any trade mark associated with any other registered trade mark, a note of the registration of each trade mark shall be made on the record of registration of the other trade mark. Record.

(3) No amendment of the register recording any change in the ownership or in the name or address of the owner of any one of a group of associated trade marks shall be made unless the Registrar is satisfied that the same change has occurred with respect to all the trade marks in such group, and corresponding entries are made contemporaneously with respect to all such trade marks. Amendment.

PERSONS ENTITLED TO REGISTRATION OF TRADE MARKS.

16. (1) Any applicant who has filed an application in accordance with section 29 for registration of a trade mark that is registrable and that he or his predecessor in title has used in Canada or made known in Canada in association with wares or services is entitled, subject to section 37, to secure its registration in respect of such wares or services, unless at the date on which he or his predecessor in title first so used it or made it known it was confusing with Registration of marks used or made known in Canada.

(a) a trade mark that had been previously used in Canada or made known in Canada by any other person;

(b) a trade mark in respect of which an application for registration had been previously filed in Canada by any other person; or

(c) a trade name that had been previously used in Canada by any other person.

(2) Any applicant who has filed an application in accordance with section 29 for registration of a trade mark that is registrable and that he or his predecessor in title has duly registered in his country of origin and has used in association with wares or services is entitled, subject to section 37, to secure its registration in respect of the wares or services in association with which it is registered in such country and has been used, unless at the date of filing of the application in accordance with section 29 it was confusing with Marks registered and used abroad.

(a) a trade mark that had been previously used in Canada or made known in Canada by any other person;

(b) a trade mark in respect of which an application for registration had been previously filed in Canada by any other person; or

(c) a trade name that had been previously used in Canada by any other person.

Proposed
marks.

(3) Any applicant who has filed an application in accordance with section 29 for registration of a proposed trade mark that is registrable is entitled, subject to sections 37 and 39, to secure its registration in respect of the wares or services specified in the application, unless at the date of filing of the application it was confusing with

(a) a trade mark that had been previously used in Canada or made known in Canada by any other person;

(b) a trade mark in respect of which an application for registration had been previously filed in Canada by any other person; or

(c) a trade name that had been previously used in Canada by any other person.

Where
application
for confusing
mark pending.

(4) The right of an applicant to secure registration of a registrable trade mark is not affected by the previous filing of an application for registration of a confusing trade mark by another person, unless the application for registration of the confusing trade mark was pending at the date of advertisement of the applicant's application in accordance with section 36.

Previous use
or making
known of
confusing
mark.

(5) The right of an applicant to secure registration of a registrable trade mark is not affected by the previous use or making known of a confusing trade mark or trade name by another person, if such confusing trade mark or trade name was abandoned at the date of advertisement of the applicant's application in accordance with section 36.

VALIDITY AND EFFECT OF REGISTRATION.

Effect of
registration
in relation to
previous
use, etc. of
confusing
marks.

17. (1) No application for registration of a trade mark that has been advertised in accordance with section 36 shall be refused and no registration of a trade mark shall be expunged or amended or held invalid on the ground of any previous use or making known of a confusing trade mark or trade name by a person other than the applicant for such registration or his predecessor in title, except at the instance of such other person or his successor in title, and the burden lies on such other person or his successor to establish that he had not abandoned such confusing trade mark or trade name at the date of advertisement of the applicant's application.

When
registration
incontestable.

(2) In proceedings commenced after the expiry of five years from the date of registration of a trade mark or from the date of the coming into force of this Act, whichever is the later, no registration shall be expunged or amended or held invalid on the ground of the previous use or making

known referred to in subsection (1), unless it is established that the person who adopted the registered trade mark in Canada did so with knowledge of such previous use or making known.

18. (1) The registration of a trade mark is invalid if
 (a) the trade mark was not registrable at the date of registration; When registration invalid.

(b) the trade mark is not distinctive at the time proceedings bringing the validity of the registration into question are commenced; or

(c) the trade mark has been abandoned;

and subject to section 17, it is invalid if the applicant for registration was not the person entitled to secure the registration.

(2) No registration of a trade mark that had been so used in Canada by the registrant or his predecessor in title as to have become distinctive at the date of registration shall be held invalid merely on the ground that evidence of such distinctiveness was not submitted to the competent authority or tribunal before the grant of such registration. Exception.

19. Subject to sections 21, 31 and 65, the registration of a trade mark in respect of any wares or services, unless shown to be invalid, gives to the owner the exclusive right to the use throughout Canada of such trade mark in respect of such wares or services. Rights conferred by registration.

20. The right of the owner of a registered trade mark to its exclusive use shall be deemed to be infringed by a person not entitled to its use under this Act who sells, distributes or advertises wares or services in association with a confusing trade mark or trade name, but no registration of a trade mark prevents a person from making Infringement

(a) any *bona fide* use of his personal name as a trade name, or

(b) any *bona fide* use, other than as a trade mark,

(i) of the geographical name of his place of business, or

(ii) of any accurate description of the character or quality of his wares or services,

in such a manner as is not likely to have the effect of depreciating the value of the goodwill attaching to the trade mark.

21. (1) Where, in any proceedings respecting a registered trade mark of which the registration is entitled to the protection of subsection (2) of section 17, it is made to appear to the Exchequer Court of Canada that one of the parties to the proceedings, other than the registered owner of the Concurrent use of confusing marks.

trade mark, had in good faith used a confusing trade mark or trade name in Canada before the date of filing of the application for such registration, and the Court considers that it is not contrary to the public interest that the continued use of the confusing trade mark or trade name should be permitted in a defined territorial area concurrently with the use of the registered trade mark, it may, subject to such terms as it deems just, order that such other party may continue to use the confusing trade mark or trade name within such area with an adequate specified distinction from the registered trade mark.

Registration
of order

(2) The rights conferred by an order made under subsection (1) take effect only if, within three months from its date, such other party makes application to the Registrar to enter it on the register in connection with the registration of the registered trade mark.

Depreciation
of goodwill.

22. (1) No person shall use a trade mark registered by another person in a manner likely to have the effect of depreciating the value of the goodwill attaching thereto.

Action
in respect
thereof.

(2) In any action in respect of a use contrary to subsection (1), the court may decline to order the recovery of damages or profits and may permit the defendant to continue to sell wares marked with such trade mark that were in his possession or under his control at the time notice was given to him that the owner of the registered trade mark complained of such use.

CERTIFICATION MARKS.

Registration
of certifica-
tion marks

23. (1) A certification mark may be adopted and registered only by a person who is not engaged in the manufacture, sale, leasing or hiring of wares or the performance of services such as those in association with which the certification mark is used.

Licence.

(2) The owner of a certification mark may license others to use the mark in association with wares or services that meet the defined standard, and the use of the mark accordingly shall be deemed to be use thereof by the owner.

Unauthorized
use.

(3) The owner of a registered certification mark may prevent its use by unlicensed persons or in association with any wares or services in respect of which such mark is registered but to which the licence does not extend.

Action by
unincorpor-
ated body

(4) Where the owner of a registered certification mark is an unincorporated body, any action or proceeding to prevent unauthorized use of such mark may be brought by any member of such body on behalf of himself and all other members thereof.

24. With the consent of the owner of a certification mark, a trade mark confusing with the certification mark may, if it exhibits an appropriate difference, be registered by some other person to indicate that the wares or services in association with which it is used have been manufactured, sold, leased, hired or performed by him as one of the persons entitled to use the certification mark, but the registration thereof shall be expunged by the Registrar on the withdrawal at any time of the consent of the owner of the certification mark, or upon the cancellation of the registration of the certification mark.

Registration of trade mark confusing with certification mark.

25. A certification mark descriptive of the place of origin of wares or services, and not confusing with any registered trade mark, is registrable if the applicant is the administrative authority of a country, state, province or municipality including or forming part of the area indicated by the mark, or is a commercial association having an office or representative in such area; but the owner of any mark registered under this section shall permit the use of the mark in association with any wares or services produced or performed in the area of which the mark is descriptive.

Descriptive certification mark.

REGISTER OF TRADE MARKS.

26. (1) There shall be kept under the supervision of the Registrar a register of trade marks and of transfers, disclaimers, amendments, judgments and orders relating to, and of registered users of, each registered trade mark.

Register.

(2) The register shall show, with reference to each registered trade mark, the following:

Information to be shown.

- (a) the date of registration;
- (b) a summary of the application for registration;
- (c) a summary of all documents deposited with such application or subsequently thereto and affecting the rights to such trade mark;
- (d) particulars of each renewal;
- (e) particulars of each change of name and address; and
- (f) such other particulars as this Act or the regulations require to be entered thereon.

(3) The register kept under *The Unfair Competition Act, 1932*, or the *Unfair Competition Act*, chapter 274 of the Revised Statutes of Canada, 1952, forms part of the register kept under this Act and, subject to subsection (2) of section 43, no entry made therein, if properly made according to the law in force at the time it was made, is subject to be expunged or amended only because it might not properly have been made pursuant to this Act.

Register under *Unfair Competition Act*.

Trade marks
registered
before *Unfair
Competition
Act*.

(4) Trade marks on the register at the date of the coming into force of *The Unfair Competition Act, 1932*, shall be treated as word marks or as design marks as defined in that Act according to the following rules:

- (a) any trade mark consisting only of words or numerals or both without any indication of a special form or appearance shall be deemed to be a word mark;
- (b) any other trade mark consisting only of words or numerals or both shall be deemed to be a word mark if at the date of its registration the words or numerals or both would have been registrable independently of any defined special form or appearance and shall also be deemed to be a design mark for reading matter presenting the special form or appearance defined;
- (c) any trade mark including words or numerals or both in combination with other features shall be deemed
 - (i) to be a design mark having the features described in the application therefor but without any meaning being attributed to the words or numerals, and
 - (ii) to be a word mark if and so far as it would at the date of registration have been registrable independently of any defined form or appearance and without being combined with any other feature; and
- (d) any other trade mark shall be deemed to be a design mark having the features described in the application therefor.

Trade marks
registered
under *Unfair
Competition
Act*.

(5) Trade marks registered under *The Unfair Competition Act, 1932*, or the *Unfair Competition Act*, chapter 274 of the Revised Statutes of Canada, 1952, shall, in accordance with their registration, continue to be treated as word marks or design marks as defined in that Act.

Indexes.

27. There shall be kept under the supervision of the Registrar,

- (a) an index of registered trade marks;
- (b) an index of trade marks in respect of which applications for registration are pending;
- (c) an index of applications that have been abandoned or refused;
- (d) an index of the names of owners of registered trade marks;
- (e) an index of the names of applicants for the registration of trade marks; and
- (f) an index of the names of registered users.

28. Subject to subsection (6) of section 49, the register, the documents upon which the entries therein are based, all applications, including those abandoned, and the indexes shall be open to public inspection during business hours and the Registrar shall, upon request and payment of the fee prescribed therefor, furnish a copy certified by him of any entry in the register or indexes, or of any such document or application.

Register open
to inspection.

APPLICATIONS FOR REGISTRATION OF TRADE MARKS.

29. An applicant for the registration of a trade mark shall file with the Registrar an application containing

Contents of
application.

- (a) a statement in ordinary commercial terms of the specific wares or services in association with which the mark has been or is proposed to be used;
- (b) in the case of a trade mark that has been used in Canada, the date from which the applicant or his named predecessors in title, if any, have so used the trade mark in association with each of the general classes of wares or services described in the application;
- (c) in the case of a trade mark that has not been used in Canada but is made known in Canada, the name of a country of the Union in which it has been used by the applicant or his named predecessors in title, if any, and the date from and the manner in which the applicant or such predecessors have made it known in Canada in association with each of the general classes of wares or services described in the application;
- (d) in the case of a trade mark that is the subject in another country of the Union of a registration or an application for registration by the applicant or his predecessor in title on which the applicant bases his right to registration, particulars of such application or registration and, if the trade mark has neither been used in Canada nor made known in Canada, the name of a country in which the trade mark has been used by the applicant or his named predecessor in title, if any, in association with each of the general classes of wares or services described in the application;
- (e) in the case of a proposed trade mark, where the application is not accompanied by an application for registration of a person as a registered user, a statement that the applicant intends to use such trade mark in Canada;
- (f) in the case of a certification mark, particulars of the defined standard that the use of the mark is intended to indicate and a statement that the applicant is not engaged in the manufacture, sale, leasing or hiring of

wares or the performance of services such as those in association with which the certification mark is used;

- (g) the address of the applicant's principal office or place of business in Canada, if any, and if the applicant has no office or place of business in Canada, the address of his principal office or place of business abroad and the name and address in Canada of some person or firm to whom any notice in respect of the application or registration may be sent, and upon whom service of any proceedings in respect of the application or registration may be given or served with the same effect as if they had been given to or served upon the applicant or registrant himself;
- (h) unless the application is for the registration only of a word or words not depicted in a special form, a drawing of the trade mark and such number of accurate representations of the trade mark as may be prescribed; and
- (i) a statement that the applicant is satisfied that he is entitled to use the trade mark in Canada in association with the wares or services described in the application.

Applications based on registration abroad.

30. (1) An applicant whose right to registration of a trade mark is based on a registration of such trade mark in another country of the Union (shall) before the date of advertisement of his application in accordance with section 36, furnish a copy of such registration certified by the office in which it was made, together with a translation thereof into English or French if it is in any other language, and such other evidence as the Registrar may require fully to establish his right to registration under this Act.

Evidence required in certain cases.

(2) An applicant whose trade mark has been duly registered in his country of origin and who claims that such trade mark is registrable under paragraph (b) of subsection (1) of section 14, shall furnish such evidence as the Registrar may require by way of affidavit or statutory declaration establishing the circumstances on which he relies, including the length of time during which the trade mark has been used in any country.

Further information in certain cases.

31. (1) An applicant who claims that his trade mark is registrable under subsection (2) of section 12 or under section 13 shall furnish the Registrar with evidence by way of affidavit or statutory declaration establishing the extent to which and the time during which the trade mark has been used in Canada and with any other evidence that the Registrar may require in support of such claim.

Registration to be restricted.

(2) The Registrar shall, having regard to the evidence adduced, restrict the registration to the wares or services in association with which the trade mark is shown to have

been so used as to have become distinctive and to the defined territorial area in Canada in which the trade mark is shown thus to have become distinctive.

32. Every trade union or commercial association applying for the registration of a trade mark may be required to furnish satisfactory evidence that its existence is not contrary to the laws of the country in which its headquarters are situate.

Applications
by trade
unions, etc.

33. When an application for the registration of a trade mark has been made in any country of the Union other than Canada, and an application is subsequently made in Canada for the registration for use in association with the same kind of wares or services of the same or substantially the same trade mark by the same applicant or his successor in title, the date of filing of the application in the other country is deemed to be the date of filing of the application in Canada, and the applicant is entitled to priority in Canada accordingly notwithstanding any intervening use in Canada or making known in Canada or any intervening application or registration, if

Date of
application
abroad
deemed date
of application
in Canada.

- (a) the application in Canada, including or accompanied by a declaration setting out the date upon which and the country of the Union in which the earliest application was filed for the registration of the same or substantially the same trade mark for use in association with the same kind of wares or services, is filed within six months from that date which period shall not be extended,
- (b) the applicant or, if the applicant is a transferee, his predecessor in title by whom any earlier application was filed in any country of the Union, was at the date of such application a citizen or national of or domiciled in such country or had therein a real and effective industrial or commercial establishment, and
- (c) the applicant, within three months after filing the application in Canada, furnishes a copy of every prior application relied upon, certified by the office in which it was filed, together with a certificate by such office of the date upon which it was filed therein, translations of these documents into English or French, if they are in any other language, and subsequently furnishes as required by the Registrar any other evidence necessary fully to establish his right to priority.

Disclaimer.

34. The Registrar may require the applicant for registration of a trade mark to disclaim the right to the exclusive use apart from the trade mark of such portion of the trade mark as is not independently registrable, but such disclaimer does not prejudice or affect the applicant's rights then existing or thereafter arising in the disclaimed matter, nor does such disclaimer prejudice or affect the applicant's right to registration on a subsequent application if the disclaimed matter has then become distinctive of the applicant's wares or services.

Abandonment.

35. Where, in the opinion of the Registrar, an applicant is in default in the prosecution of an application filed under this Act or any Act relating to trade marks in force prior to the coming into force of this Act, the Registrar may, after giving notice to the applicant of such default, treat the application as abandoned unless the default is remedied within the time specified in the notice.

When applications to be refused.

36. (1) The Registrar shall refuse an application for the registration of a trade mark if he is satisfied that

(a) the application does not comply with the requirements of section 29;

(b) the trade mark is not registrable; or

(c) the applicant is not the person entitled to registration of the trade mark because it is confusing with another trade mark for the registration of which an application is pending,

and where the Registrar is not so satisfied, he shall cause the application to be advertised in the manner prescribed.

Notice to applicant.

(2) The Registrar shall not refuse any application without first notifying the applicant of his objections thereto and his reasons for such objections, and giving the applicant adequate opportunity to answer such objections.

Doubtful cases.

(3) Where the Registrar, by reason of a registered trade mark, is in doubt whether the trade mark claimed in the application is registrable, he shall, by registered letter, notify the owner of the registered trade mark of the advertisement of the application.

Statement of opposition.

37. (1) Within one month from the advertisement of an application, any person may, upon payment of the prescribed fee, file a statement of opposition with the Registrar.

Grounds.

(2) Such opposition may be based on any of the following grounds:

(a) that the application does not comply with the requirements of section 29;

(b) that the trade mark is not registrable;

(c) that the applicant is not the person entitled to registration; or

(d) that the trade mark is not distinctive.

(3) The statement of opposition shall set out,

Content.

(a) the grounds of opposition in sufficient detail to enable the applicant to reply thereto; and

(b) the address of the opponent's principal office or place of business in Canada, if any, and if the opponent has no office or place of business in Canada, the address of his principal office or place of business abroad and the name and address in Canada of some person or firm upon whom service of any document in respect of the opposition may be made with the same effect as if it had been served upon the opponent himself.

(4) If the Registrar considers that the opposition does not raise a substantial issue for decision, he shall reject it and shall give notice of his decision to the opponent.

Frivolous.
opposition.

(5) If the Registrar considers that the opposition raises a substantial issue for decision, he shall forward a copy of the statement of opposition to the applicant.

Substantial
issue.

(6) Within the prescribed time after a statement of opposition has been forwarded to him, the applicant may file a counter statement with the Registrar and serve a copy upon the opponent in the manner prescribed, and if he does not file and serve a counter statement within the prescribed time he shall be deemed to have abandoned his application.

Counter
statement.

(7) Both the opponent and the applicant shall be given an opportunity, in the manner prescribed, to submit the evidence upon which they rely and to be heard by the Registrar if they so desire.

Evidence
and
hearing.

(8) After hearing the parties, if so required, and considering the evidence, the Registrar shall refuse the application or reject the opposition and notify the parties of his decision and his reasons therefor.

Decision.

38. (1) When an application either has not been opposed and the time for the filing of a statement of opposition has expired or it has been opposed and the opposition has been decided finally in favour of the applicant, the Registrar thereupon shall allow it.

When
application
to be
allowed.

No extension
of time for
opposition.

(2) The Registrar shall not extend the time for filing a statement of opposition with respect to any application that has been allowed.

REGISTRATION OF TRADE MARKS.

Registration
of trade
marks.

39. (1) When an application for registration of a trade mark other than a proposed trade mark is allowed the Registrar shall thereupon register the trade mark and issue a certificate of its registration.

Proposed
trade mark.

(2) When an application for registration of a proposed trade mark is allowed, the Registrar shall give notice to the applicant accordingly and shall register the trade mark and issue a certificate of its registration upon receipt of a declaration that the applicant, his successor in title or a person approved as a registered user under subsection (7) of section 49 has commenced the use of the trade mark in Canada in association with the wares or services specified in the application.

Abandon-
ment of
application.

(3) If the applicant for registration of a proposed trade mark fails to file the declaration referred to in subsection (2) within six months after the notice by the Registrar referred to in subsection (2), his application shall be deemed to be abandoned.

Form and
effect.

(4) Registration of a trade mark shall be made in the name of the applicant or his transferee; the day on which registration is made shall be entered on the register, and the registration takes effect on that day.

AMENDMENT OF THE REGISTER.

Amendments
to register.

40. (1) The Registrar may, on application by the registered owner of a trade mark made in the prescribed manner, make any of the following amendments to the register:

- (a) correct any error or enter any change in the name, address or description of the registered owner or of his representative for service in Canada;
 - (b) cancel the registration of the trade mark;
 - (c) amend the statement of the wares or services in respect of which the trade mark is registered;
 - (d) amend the particulars of the defined standard that the use of a certification mark is intended to indicate;
- or

(e) enter a disclaimer that does not in any way extend the rights given by the existing registration of the trade mark.

(2) An application to extend the statement of wares or services in respect of which a trade mark is registered has the effect of an application for registration of the trade mark in respect of the wares or services specified in the application for amendment. Conditions.

41. (1) The registered owner of a trade mark who has no office or place of business in Canada shall name another representative for service in place of the last recorded representative or supply a new and correct address of the last recorded representative upon notice from the Registrar that the last recorded representative has died or that a letter addressed to him at the last recorded address and sent by ordinary mail has been returned undelivered. Representative for service.

(2) When, after the despatch of the notice by the Registrar, no new nomination is made or no new and correct address is supplied by the registered owner within three months, the Registrar or the Exchequer Court of Canada may dispose of any proceedings under this Act without requiring service on the registered owner of any process therein. Change of address.

42. The registered owner of any trade mark shall furnish such additional representations thereof as the Registrar may by notice demand and if he fails to comply with any such notice, the Registrar may by a further notice, fix a reasonable time after which, if the representations are not furnished, he may expunge the registration of the trade mark. Additional representations.

43. (1) The Registrar may at any time, and shall at the request of any person who pays the prescribed fee, by notice in writing require the registered owner of any trade mark that was on the register at the date on which this Act comes into force, to furnish to him within three months from the date of the notice the information that would be required on an application for the registration of such trade mark made at the date of such notice. Notice for information.

(2) The Registrar may amend the registration in accordance with the information furnished to him under subsection (1). Amendments to register.

(3) Where the information is not furnished, the Registrar shall by a further notice fix a reasonable time after which, if the information is not furnished, he may expunge the registration of the trade mark. Failure to give information.

Registrar
may request
evidence of
user.

44. (1) The Registrar may at any time and, at the written request made after three years from the date of the registration by any person who pays the prescribed fee shall, unless he sees good reason to the contrary, give notice to the registered owner requiring him to furnish within three months an affidavit or statutory declaration showing with respect to each of the wares or services specified in the registration, whether the trade mark is in use in Canada and, if not, the date when it was last so in use and the reason for the absence of such use since such date.

Form of
evidence.

(2) The Registrar shall not receive any evidence other than such affidavit or statutory declaration, but may hear representations made by or on behalf of the registered owner of the trade mark or by or on behalf of the person at whose request the notice was given.

Effect of
non-user.

(3) Where, by reason of the evidence furnished to him or the failure to furnish such evidence, it appears to the Registrar that the trade mark, either with respect to all of the wares or services specified in the registration or with respect to any of such wares or services, is not in use in Canada and that the absence of use has not been due to special circumstances that excuse such absence of use, the registration of such trade mark is liable to be expunged or amended accordingly.

Notice to
owner.

(4) When the Registrar reaches a decision as to whether or not the registration of the trade mark ought to be expunged or amended, he shall give notice of his decision with the reasons therefor to the registered owner of the trade mark and to the person at whose request the notice was given.

Action by
Registrar.

(5) The Registrar shall act in accordance with his decision if no appeal therefrom is taken within the time limited by this Act or, if an appeal is taken, shall act in accordance with the final judgment given in such appeal.

RENEWAL OF REGISTRATIONS.

Renewal.

45. (1) The registration of a trade mark that is on the register by virtue of the provisions of this Act is subject to renewal within the period specified in this section.

Notice to
renew.

(2) If the registration of a trade mark has been on the register without renewal for the period specified in this section less four months, the Registrar shall send a notice to the registered owner and his representative for service, if any, stating that if within four months from the date of such notice the prescribed renewal fee is not paid, the registration will be expunged.

(3) If within the period specified in the notice, which shall not be extended, the prescribed renewal fee is not paid, the Registrar shall expunge the registration. Failure to renew.

(4) The period referred to in subsections (1) and (2) of this section is as follows: Periods of renewal.

(a) in the case of any registration made before the 1st day of June, 1879, or of any registration of a general trade mark or union label made under the *Trade Mark and Design Act*, twenty-five years from the 1st day of September, 1932;

(b) in the case of any registration of a specific trade mark made under the *Trade Mark and Design Act*, twenty-five years from the day of such registration or from the 1st day of September, 1932, whichever day is the earlier, or from the date of the last renewal thereof effected before the coming into force of this Act;

(c) in the case of any registration made under *The Unfair Competition Act, 1932*, or the *Unfair Competition Act*, chapter 274 of the Revised Statutes of Canada, 1952, fifteen years from the day of such registration or of the last renewal thereof effected before the coming into force of this Act; or

(d) in the case of any registration made or renewed under this Act, fifteen years from the day of such registration or of the last such renewal.

(5) When the prescribed fee for a renewal is paid within the time limited for the payment thereof, the renewal of any trade mark registration under this section takes effect as of the day next following the expiration of the period specified in subsection (4). Effective date of renewal.

EXTENSIONS OF TIME.

46. (1) If, in any case, the Registrar is satisfied that the circumstances justify an extension of the time fixed by this Act or prescribed by the regulations for the doing of any act, he may, except as in this Act otherwise provided, extend the time after such notice to other persons and upon such terms as he may direct. Extensions of time.

(2) An extension applied for after the expiry of such time or the time extended by the Registrar under subsection (1) shall not be granted unless the prescribed fee is paid and the Registrar is satisfied that the failure to do the act or apply for the extension within such time or such extended time was not reasonably avoidable. Conditions.

TRANSFER.

Trade mark transferable.

47. (1) A trade mark, whether registered or unregistered, is transferable, and deemed always to have been transferable, either in connection with or separately from the goodwill of the business and in respect of either all or some of the wares or services in association with which it has been used.

Where two or more persons interested.

(2) Nothing in subsection (1) prevents a trade mark from being held not to be distinctive if as a result of a transfer thereof there subsisted rights in two or more persons to the use of confusing trade marks and such rights were exercised by such persons.

Registration of transfer.

(3) The Registrar shall register the transfer of any registered trade mark upon being furnished with evidence satisfactory to him of the transfer and the information that would be required by paragraph (g) of section 29 in an application by the transferee to register such trade mark.

CHANGE OF PURPOSE IN USE OF MARK.

Change of purpose.

48. If a mark is used by a person as a trade mark for any of the purposes or in any of the manners mentioned in paragraph (a) or (t) of section 2, it shall not be held invalid merely on the ground that he or a predecessor in title uses it or has used it for any other of the said purposes or in any other of the said manners.

REGISTERED USERS.

Registration as user.

49. (1) A person other than the owner of a registered trade mark may be registered as a registered user thereof for all or any of the wares or services for which it is registered.

"Permitted use" defined.

(2) The use of a registered trade mark by a registered user thereof in accordance with the terms of his registration as such in association with wares or services manufactured, sold, leased, hired or performed by him, or the use of a proposed trade mark as provided in subsection (2) of section 39 by a person approved as a registered user thereof, is in this section referred to as the "permitted use" of the trade mark.

Effect of permitted use.

(3) The permitted use of a trade mark has the same effect for all purposes of this Act as a use thereof by the registered owner.

Owner may be required to take proceedings.

(4) Subject to any agreement subsisting between the parties, a registered user of a trade mark may call upon the owner thereof to take proceedings for infringement thereof, and, if the owner refuses or neglects to do so within two months after being so called upon, the registered

user may institute proceedings for infringement in his own name as if he were the owner, making the owner a defendant; but an owner so added as defendant is not liable for any costs unless he takes part in the proceedings.

(5) Concurrently with or at any time after the filing of an application for the registration of a trade mark, an application for the registration of a person as a registered user of the trade mark may be made to the Registrar in writing by such person and by the owner of the trade mark, and the applicants shall furnish the Registrar in writing with Application.

(a) particulars of the relationship, existing or proposed, between them, including particulars of the degree of control by the owner over the permitted use which their relationship will confer;

(b) a statement of the wares or services for which registration is proposed;

(c) particulars of any conditions or restrictions proposed with respect to the characteristics of the wares or services, to the mode or place of permitted use, or to any other matter;

(d) information as to the proposed duration of the permitted use; and

(e) such further documents, information or evidence as may be required by the Registrar.

(6) The Registrar shall, if so required by an applicant under subsection (5), take steps to ensure that any document, information or evidence furnished for the purpose of that application, other than matter entered in the register, is not disclosed to any other person except by order of a court. Secrecy.

(7) The Registrar may approve a person as a registered user of the trade mark for any of the proposed wares or services, subject to any conditions or restrictions that he considers proper, if he is satisfied that in all the circumstances the use of the trade mark in association with such wares or services by the proposed registered user would not be contrary to the public interest. Registration.

(8) When a person has been approved as a registered user of a trade mark, the Registrar shall register him as such forthwith if the trade mark is registered and, if the trade mark is not registered, then concurrently with its registration, and shall give notice of the registration to any other registered user of the trade mark. Time of registration.

(9) The registration of a person as a registered user of a trade mark may be varied by the Registrar as regards the wares or services for which, or any conditions or restrictions subject to which, it has effect, on the application in writing of the registered owner of the trade mark and not less than one month after giving notice of such application to such Variation of registration.

person and all other registered users, if the Registrar is satisfied that in all the circumstances such variation would not be contrary to the public interest.

Cancellation.

(10) The registration of a person as a registered user of a trade mark may be cancelled,

- (a) by the Registrar on the application in writing of the registered owner or the registered user of the trade mark;
- (b) by the Registrar on his own motion in respect of any wares or services for which the trade mark is no longer registered; or
- (c) by the Exchequer Court of Canada upon the application of any person, of which notice is served upon the registered owner and all registered users, on any of the following grounds:
 - (i) that the registered user has used the trade mark otherwise than by way of the permitted use, or in such a way as to cause, or to be likely to cause, deception or confusion,
 - (ii) that the owner or the registered user misrepresented or failed to disclose some fact that if accurately represented or disclosed would have justified the Registrar in refusing the application for registration of the registered user,
 - (iii) that the circumstances have changed since the date of the registration in such a way that at the date of such application for cancellation they would have justified the Registrar in refusing the application for registration of the registered user, or
 - (iv) that the registration ought not to have been effected having regard to rights vested in the applicant by virtue of a contract in the performance of which he is interested.

No right to assign.

(11) Nothing in this section confers on a registered user of a trade mark any transferable right to the use of such trade mark.

(12) The Registrar shall not exercise any discretionary power under this section adversely to a person without giving each person who will be affected by the exercise of the power an opportunity of being heard personally or by his agent.

When trade mark not to be held invalid.

50. The use of a trade mark by a licensee before the coming into force of this Act and within one year thereafter shall not be held to invalidate such trade mark if,

- (a) the licensing was between related companies;

- (b) in any proceeding in the Exchequer Court of Canada, the Court declares that to hold such trade mark valid will not adversely affect any existing right of a party to the proceeding acquired before the coming into force of this Act or be contrary to the public interest; or
- (c) an application to register the licensee as a registered user of the trade mark is made within one year after the date on which this Act comes into force and such licensee is so registered.

LEGAL PROCEEDINGS.

51. (1) Where it is made to appear to a court of competent jurisdiction that any registered trade mark or any trade name has been applied to any wares that have been imported into Canada or are about to be distributed in Canada in such a manner that the distribution of such wares would be contrary to this Act, or that any indication of a place of origin has been unlawfully applied to any wares, the court may make an order for the interim custody of the wares, pending a final determination of the legality of their importation or distribution in an action commenced within such time as is prescribed by the order.

Custody of
offending
wares.

(2) Before an order is made under subsection (1), the plaintiff or petitioner shall be required to furnish security, in such amount as the court may fix, to answer any damages that may by reason of the order be sustained by the owner or consignee of the wares and for any amount that may become chargeable against the wares while they remain in custody under the order.

Security

(3) Where, by the judgment in any such action finally determining the legality of the importation or distribution of the wares, their importation or distribution is forbidden, either absolutely or on condition, any lien for charges against them that arose prior to the date of an order made under this section has effect only so far as may be consistent with the due execution of the judgment.

Lien for
charges.

(4) Where in such action the court finds that such importation is or such distribution would be contrary to this Act, it may make an order prohibiting the future importation of wares to which such trade mark, trade name or indication of origin has been so applied.

Prohibition
of imports.

(5) Any order under subsection (1) may be made on the application of any person interested either in an action or otherwise and either on notice or *ex parte*.

By whom
applications
made.

Power of
court to
grant relief.

52. Where it is made to appear to a court of competent jurisdiction that any act has been done contrary to the provisions of this Act, the court may make any such order as the circumstances require including provision for relief by way of injunction and the recovery of damages or profits, and may give directions with respect to the disposition of any offending wares, packages, labels and advertising material and of any dies used in connection therewith.

Evidence.

53. (1) Evidence of any document in the official custody of the Registrar or of any extract therefrom may be given by the production of a copy thereof purporting to be certified to be true by the Registrar.

Idem.

(2) A copy of any entry in the register purporting to be certified to be true by the Registrar is admissible in evidence and is *prima facie* proof of the facts set out therein.

Idem.

(3) A copy of the record of the registration of a trade mark purporting to be certified to be true by the Registrar is admissible in evidence and is *prima facie* proof of the facts set out therein and that the person named therein as owner is the registered owner of such trade mark for the purposes and within the territorial area therein defined.

(4) A copy of any entry made or documents filed under the authority of any Act relating to trade marks heretofore in force certified under the authority of any such Act is admissible in evidence and has the same probative force as a copy certified by the Registrar under this Act as provided in this section.

Jurisdiction
of Exchequer
Court.

54. The Exchequer Court of Canada has jurisdiction to entertain any action or proceeding for the enforcement of any of the provisions of this Act or of any right or remedy conferred or defined thereby.

Appeal.

55. (1) An appeal lies to the Exchequer Court of Canada from any decision of the Registrar under this Act within two months from the date upon which notice of the decision was despatched by the Registrar or within such further time as the Court may allow, either before or after the expiry of the two months.

Procedure.

(2) The appeal shall be made by way of notice of appeal filed with the Registrar and in the Exchequer Court of Canada.

Notice to
owner.

(3) The appellant shall, within the time limited or allowed by subsection (1), send a copy of the notice by registered mail to the registered owner of any trade mark that has been referred to by the Registrar in the decision complained of and to every other person who was entitled to notice of such decision.

(4) The Court may direct that public notice of the hearing of the appeal and of the matters at issue therein be given in such manner as it deems proper. Public notice.

(5) On the appeal evidence in addition to that adduced before the Registrar may be adduced and the Court may exercise any discretion vested in the Registrar. Additional evidence.

56. (1) The Exchequer Court of Canada has exclusive original jurisdiction, on the application of the Registrar or of any person interested, to order that any entry in the register be struck out or amended on the ground that at the date of such application the entry as it appears on the register does not accurately express or define the existing rights of the person appearing to be the registered owner of the mark. Exclusive jurisdiction of Exchequer Court.

(2) No person is entitled to institute under this section any proceeding calling into question any decision given by the Registrar of which such person had express notice and from which he had a right to appeal. Restriction.

57. An application under section 56 shall be made either by the filing of an originating notice of motion, by counterclaim in an action for the infringement of the trade mark, or by statement of claim in an action claiming additional relief under this Act. How proceedings instituted.

58. (1) Where an appeal is taken under section 55 by the filing of a notice of appeal, or an application is made under section 56 by the filing of an originating notice of motion, the notice shall set forth full particulars of the grounds upon which relief is sought. Notice to set forth grounds.

(2) Any person upon whom a copy of such notice has been served and who intends to contest the appeal or application, as the case may be, shall file and serve within the prescribed time or such further time as the court may allow a reply setting forth full particulars of the grounds upon which he relies. Reply.

(3) The proceedings shall then be heard and determined summarily on evidence adduced by affidavit unless the court otherwise directs, in which event it may order that any procedure permitted by its rules and practice be made available to the parties, including the introduction of oral evidence generally or in respect of one or more issues specified in the order. Hearing.

59. Subject to subsection (6) of section 49, when any appeal or application has been made to the Exchequer Court of Canada under any of the provisions of this Act, the Registrar shall, at the request of any of the parties Registrar to transmit documents.

to such proceedings and the payment of the prescribed fee, transmit to the court all documents on file in his office relating to the matters in question in such proceedings, or copies thereof certified by him.

Appeal to
Supreme
Court.

60. An appeal lies to the Supreme Court of Canada from any judgment of the Exchequer Court of Canada in any action or proceeding under this Act irrespective of the amount of money, if any, claimed to be involved.

Judgments to
be filed.

61. The Registrar of the Exchequer Court of Canada shall file with the Registrar a certified copy of every judgment or order made by the Exchequer Court of Canada or by the Supreme Court of Canada relating to any trade mark on the register.

GENERAL.

Administra-
tion.

62. (1) This Act shall be administered by the Secretary of State of Canada.

Registrar.

(2) There shall be a Registrar of Trade Marks, appointed by the Governor in Council, to hold office during pleasure, who shall be paid such annual salary as the Governor in Council determines and shall be responsible to the Under Secretary of State.

Acting
Registrar.

(3) When the Registrar is absent or unable to act, his duties shall be performed and his powers exercised in the capacity of acting registrar by such other officer as may be designated by the Secretary of State.

Publication
of
registrations.

63. The Registrar shall cause to be published periodically particulars of the registrations made and extended from time to time under this Act, and shall in such publication give particulars of any rulings made by him that are intended to serve as precedents for the determination of similar questions thereafter arising.

Regulations.

64. The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Act and, in particular, may make regulations with respect to the following matters:

- (a) the form of the register and of the indexes to be maintained pursuant to this Act, and of the entries to be made therein;
- (b) the form of applications to the Registrar;
- (c) the registration of transfers, licences, disclaimers, judgments or other documents relating to any trade mark;

- (d) the form and contents of certificates of registration; and
- (e) the payment of fees to the Registrar and the amount thereof.

NEWFOUNDLAND.

65. (1) The registration of a trade mark under the laws of Newfoundland prior to the 1st day of April, 1949, has the same force and effect in the Province of Newfoundland as if Newfoundland had not become part of Canada, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in the Province of Newfoundland as if Newfoundland had not become part of Canada. Newfoundland.

(2) The laws of Newfoundland as they existed immediately prior to the expiration of the 31st day of March, 1949, continue to apply in respect of applications for the registration of trade marks under the laws of Newfoundland pending at that time and any trade marks registered under such applications shall, for the purposes of this section, be deemed to have been registered under the laws of Newfoundland prior to the 1st day of April, 1949. Idem.

66. For the purposes of this Act the use or making known of a trade mark or the use of a trade name in Newfoundland before the 1st day of April, 1949, shall not be deemed to be a use or making known of such trade mark or a use of such trade name in Canada before such date. Idem.

COMING INTO FORCE.

67. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force

REPEAL AND TRANSITIONAL.

68. (1) If this Act comes into force before the Revised Statutes of Canada, 1952, come into force, Repeal and transitional.

- (a) any application for the registration of a trade mark received before the day on which this Act comes into force by the person appointed to act as Registrar under *The Unfair Competition Act, 1932*, chapter 38 of the statutes of 1932, shall be dealt with in accordance with the provisions of that Act, and any registration

made pursuant to any such application shall, for the purposes of this Act, be deemed to have been on the register maintained under *The Unfair Competition Act, 1932*, on the day on which this Act comes into force;

(b) the *Unfair Competition Act*, chapter 274 of the Revised Statutes of Canada, 1952, is repealed on the day the Revised Statutes of Canada, 1952, come into force; and

(c) the following Acts are repealed on the day this Act comes into force, namely,

(i) *The Unfair Competition Act, 1932*, chapter 38 of the statutes of 1932,

(ii) sections 22, 24 and 25 of the *Trade Mark and Design Act*, chapter 201 of the Revised Statutes of Canada, 1927, and

(iii) *The Shop Cards Registration Act, 1938*, chapter 41 of the statutes of 1938.

Idem.

(2) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952, come into force,

(a) any application for the registration of a trade mark received before the day on which this Act comes into force by the person appointed to act as Registrar under the *Unfair Competition Act*, chapter 274 of the Revised Statutes of Canada, 1952, shall be dealt with in accordance with the provisions of that Act, and any registration made pursuant to any such application shall, for the purposes of this Act, be deemed to have been on the register maintained under the *Unfair Competition Act*, on the day on which this Act comes into force; and

(b) the following Acts are repealed on the day this Act comes into force, namely,

(i) the *Unfair Competition Act*, chapter 274 of the Revised Statutes of Canada, 1952,

(ii) Part III of the *Industrial Design and Union Label Act*, chapter 150 of the Revised Statutes of Canada, 1952, and

(iii) the *Shop Cards Registration Act*, chapter 250 of the Revised Statutes of Canada, 1952.

1 - 2 ELIZABETH II.

CHAP. 50.

An Act to amend The Trans-Canada Air Lines Act, 1937.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Paragraphs (c), (d), (f), (g), (i), (j), (k) and (l) of section 2 of *The Trans-Canada Air Lines Act, 1937*, chapter 43 of the statutes of 1937, are repealed. Repeal.

2. (1) Subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

“6. (1) The Corporation shall be under the management of a Board of Directors composed of nine persons, elected and appointed as hereinafter provided.” Board of Directors

(2) Subsections (3) and (4) of section 6 of the said Act are repealed and the following substituted therefor:

“(3) Five directors shall be elected by the shareholders of the Corporation and four directors shall be appointed by the Governor in Council.” Election and appointment of directors.

3. Subsection (3) of section 7 of the said Act is repealed and the following substituted therefor:

“(3) Subject to section eleven, Canadian National Railway Company may subscribe for, underwrite, purchase, hold, and, with the approval of Parliament, sell and dispose of the shares of the capital stock of the Corporation.” C.N.R. may deal with shares generally.

4. Section 9 of the said Act is repealed.

Repeal.

5. Section 13 of the said Act is repealed and the following substituted therefor:

Audit.

"13. The accounts and financial transactions of the Corporation shall be audited by the auditor appointed by Parliament to audit the accounts of Canadian National Railways."

Maintenance of air lines.

6. (1) Paragraphs (b) and (c) of subsection (1) of section 14 of the said Act are repealed and the following substituted therefor:

"(b) to buy, sell, lease, erect, construct and acquire hangars, aerodromes, seaplane bases, landing fields and beacons and to maintain and operate the same;

(c) to borrow money for any of the purposes of the Corporation and, without limiting the generality of the foregoing, to borrow money for capital expenditures from time to time from Canadian National Railway Company;"

(2) Subsection (1) of section 14 of the said Act is further amended by adding thereto the following paragraphs:

"(g) to deposit money with or lend money to Canadian National Railway Company at such rate of interest as may be agreed upon between the Corporation and Canadian National Railway Company;

(h) to issue such bonds, notes or other securities of the Corporation as are necessary to carry out the provisions of this Act;

(i) to buy, sell, lease and operate motor vehicles of all kinds for the purpose of transporting mails, passengers and goods in connection with the Corporation's air services and the air services of other air carriers and to enter into contracts with any other person respecting the provision of motor vehicle services of all kinds;

(j) to purchase, lease, or otherwise acquire or provide, hold, use, enjoy and operate such hotels in Canada as are deemed expedient for the purposes of the Corporation; and

(k) to use the words "Air Canada" as a trade name for any purpose connected with the business of the Corporation."

(3) Subsection (2) of section 14 of the said Act is repealed and the following substituted therefor:

Sale of shares.

"(2) The Corporation shall not sell or dispose of any of the outstanding shares of any company incorporated under section twenty of this Act except with the approval of Parliament.

C.N.R. may lend money to T.C.A.

(3) Subject to section twelve of *The Canadian National-Canadian Pacific Act, 1933*, Canadian National Railway Company may lend money to the Corporation upon such terms and conditions and at such rate of interest as may be agreed upon between the Corporation and Canadian National Railway Company."

7. Paragraphs (b) and (c) of subsection (2) of section 15 of the said Act are repealed. Repeal.

8. Section 20 of the said Act is repealed and the following substituted therefor:

“20. The Governor in Council may on the petition of the Corporation declare that any number of persons named in the petition, not exceeding nine in number, shall be a body corporate and upon such declaration being made the said persons are a body corporate and politic.” G. in C. may create corporations.

9. (1) Canadian National Railway Company shall, at the request of Trans-Canada Air Lines, surrender to Trans-Canada Air Lines two hundred thousand shares of the capital stock of Trans-Canada Air Lines, and Trans-Canada Air Lines shall issue to Canadian National Railway Company in exchange therefor a bond, note or other security of Trans-Canada Air Lines having a face value of twenty million dollars. C.N.R. to surrender T.C.A. stock in exchange for bonds, etc.

(2) Any bond, note or other security issued under subsection (1) shall contain such terms and conditions and shall be payable at such time and in such amount as the Governor in Council may approve, and shall bear interest from such date and at such rate as may be agreed upon between Trans-Canada Air Lines and Canadian National Railway Company. Terms of bonds, etc.

(3) Any share surrendered pursuant to this section shall be deemed to be cancelled and, for the purposes of section 7 of *The Trans-Canada Air Lines Act, 1937*, the shares so surrendered shall be deemed to be unissued shares of Trans-Canada Air Lines, subject to re-issue by Trans-Canada Air Lines in accordance with the provisions of that Act. Surrendered shares may be re-issued.

(4) Payments made by Trans-Canada Air Lines during the calendar year 1952, and at any time thereafter prior to the day on which this Act is assented to, to Canadian National Railway Company as a return on the shares of Trans-Canada Air Lines capital stock owned by Canadian National Railway Company, not exceeding three per cent of the par value of such shares, shall be deemed for the purposes of *The Income Tax Act* to be interest on borrowed money used in the business of Trans-Canada Air Lines for the purpose of earning its income. Return on shares to C.N.R. deemed to be interest.

PART II.

10. Paragraphs (c), (d), (f), (g), (i), (j), (k) and (l) of section 2 of the *Trans-Canada Air Lines Act*, chapter 268 of the Revised Statutes of Canada, 1952, are repealed. Repeal.

11. (1) Subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

Board of
Directors.

“**5.** (1) The Corporation shall be under the management of a Board of Directors composed of nine persons, elected and appointed as hereinafter provided.”

(2) Subsections (3) and (4) of section 5 of the said Act are repealed and the following substituted therefor:

Election and
appointment
of directors.

“(3) Five directors shall be elected by the shareholders of the Corporation and four directors shall be appointed by the Governor in Council.”

12. Subsection (3) of section 6 of the said Act is repealed and the following substituted therefor:

C.N.R. may
deal with
shares
generally.

“(3) Subject to section 11, Canadian National Railway Company may subscribe for, underwrite, purchase, hold, and, with the approval of Parliament, sell and dispose of the shares of the capital stock of the Corporation.”

Repeal.

13. Section 9 of the said Act is repealed.

14. Section 13 of the said Act is repealed and the following substituted therefor:

Audit.

“**13.** The accounts and financial transactions of the Corporation shall be audited by the auditor appointed by Parliament to audit the accounts of Canadian National Railways.”

Maintenance
of air lines.

15. (1) Paragraphs (b) and (c) of subsection (1) of section 14 of the said Act are repealed and the following substituted therefor:

“(b) to buy, sell, lease, erect, construct and acquire hangars, aerodromes, seaplane bases, landing fields and beacons and to maintain and operate the same;

(c) to borrow money for any of the purposes of the Corporation and, without limiting the generality of the foregoing, to borrow money for capital expenditures from time to time from Canadian National Railway Company;”

(2) Subsection (1) of section 14 of the said Act is further amended by adding thereto the following paragraphs:

“(g) to deposit money with or lend money to Canadian National Railway Company at such rate of interest as may be agreed upon between the Corporation and Canadian National Railway Company;

(h) to issue such bonds, notes or other securities of the Corporation as are necessary to carry out the provisions of this Act;

(i) to buy, sell, lease and operate motor vehicles of all kinds for the purpose of transporting mails, passengers and goods in connection with the Corporation's air

services and the air services of other air carriers and to enter into contracts with any other person respecting the provision of motor vehicle services of all kinds;

(j) to purchase, lease, or otherwise acquire or provide, hold, use, enjoy and operate such hotels in Canada as are deemed expedient for the purposes of the Corporation; and

(k) to use the words "Air Canada" as a trade name for any purpose connected with the business of the Corporation."

(3) Subsection (2) of section 14 of the said Act is repealed and the following substituted therefor:

"(2) The Corporation shall not sell or dispose of any of the outstanding shares of any company incorporated under section 19 except with the approval of Parliament. Sale of shares.

(3) Subject to section 12 of the *Canadian National-Canadian Pacific Act*, Canadian National Railway Company may lend money to the Corporation upon such terms and conditions and at such rate of interest as may be agreed upon between the Corporation and Canadian National Railway Company." C.N.R. may lend money to T.C.A.

16. Paragraphs (b) and (c) of subsection (2) of section 15 of the said Act are repealed. Repeal.

17. Section 19 of the said Act is repealed and the following substituted therefor:

"**19.** The Governor in Council may on the petition of the Corporation declare that any number of persons named in the petition, not exceeding nine in number, shall be a body corporate and upon such declaration being made the said persons are a body corporate and politic." G. in C. may create Corporations.

18. (1) Canadian National Railway Company shall, at the request of Trans-Canada Air Lines, surrender to Trans-Canada Air Lines two hundred thousand shares of the capital stock of Trans-Canada Air Lines, and Trans-Canada Air Lines shall issue to Canadian National Railway Company in exchange therefor a bond, note or other security of Trans-Canada Air Lines having a face value of twenty million dollars. C.N.R. to surrender T.C.A. stock in exchange for bonds, etc.

(2) Any bond, note or other security issued under subsection (1) shall contain such terms and conditions and shall be payable at such time and in such amount as the Governor in Council may approve, and shall bear interest from such date and at such rate as may be agreed upon between Trans-Canada Air Lines and Canadian National Railway Company. Terms of bonds, etc.

Surrendered
shares may
be re-issued.

(3) Any share surrendered pursuant to this section shall be deemed to be cancelled and, for the purposes of section 6 of the *Trans-Canada Air Lines Act*, the shares so surrendered shall be deemed to be unissued shares of Trans-Canada Air Lines, subject to re-issue by Trans-Canada Air Lines in accordance with the provisions of that Act.

Return on
shares to
C.N.R.
deemed to
be interest.

(4) Payments made by Trans-Canada Air Lines during the calendar year 1952, and at any time thereafter prior to the day on which this Act is assented to, to Canadian National Railway Company as a return on the shares of Trans-Canada Air Lines capital stock owned by Canadian National Railway Company, not exceeding three per cent of the par value of such shares, shall be deemed for the purposes of the *Income Tax Act* to be interest on borrowed money used in the business of Trans-Canada Air Lines for the purpose of earning its income.

Coming
into force.
Repeal.

19. This Part shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

PART III.

T. C. Air
Lines
(Atlantic)
extinguished.

20. (1) Trans-Canada Air Lines (Atlantic) Limited, established pursuant to section 20 of *The Trans-Canada Air Lines Act, 1937*, is deemed to have ceased to exist on the 1st day of January, 1952.

Transfer of
property.

(2) All property, rights, obligations and liabilities of Trans-Canada Air Lines (Atlantic) Limited that existed on the 1st day of January, 1952, are deemed to have been the property, rights, obligations and liabilities of Trans-Canada Air Lines as and from that day.

Transfer of
obligations
and liabilities.

(3) Anything done by or to Trans-Canada Air Lines (Atlantic) Limited and any property, rights, obligations or liabilities acquired or incurred by Trans-Canada Air Lines (Atlantic) Limited since the 1st day of January, 1952, shall be deemed to have been done by or to or acquired or incurred by Trans-Canada Air Lines.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 51.

An Act to amend The Unemployment Insurance Act, 1940.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I.

1. Section 27 of *The Unemployment Insurance Act, 1940*, chapter 44 of the statutes of 1940, is amended by adding thereto the following subsection:

“(3) No person who has become entitled to receive benefit under this Act and who has afterwards, while his entitlement would otherwise continue, become incapable of work by reason of illness, injury or quarantine, shall, notwithstanding anything in this Act, be disqualified from receiving such benefit only by reason of such illness, injury or quarantine.”

Illness
during
benefit
period.

2. This Part shall come into force on a day to be fixed by proclamation of the Governor in Council.

Coming
into force.

PART II.

3. Section 29 of the *Unemployment Insurance Act*, chapter 273 of the Revised Statutes of Canada, 1952, is amended by adding thereto the following subsection:

“(3) No person who has become entitled to receive benefit under this Act and who has afterwards, while his entitlement would otherwise continue, become incapable of work by reason of illness, injury or quarantine, shall, notwithstanding anything in this Act, be disqualified from receiving such benefit only by reason of such illness, injury or quarantine.”

Illness
during
benefit
period.

Coming
into force. 4. (1) If Part I is in force immediately before the day on which the Revised Statutes of Canada, 1952, come into force, then Part II shall come into force, and Part I is repealed, on the day the Revised Statutes of Canada, 1952, come into force.

Idem. (2) If Part I is not in force immediately before the day on which the Revised Statutes of Canada, 1952, come into force, then Part I is repealed on the day the Revised Statutes of Canada, 1952, come into force and Part II shall come into force on a day to be fixed by proclamation of the Governor in Council.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 52.

An Act to amend The Veterans Benefit Act, 1951.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the ^{1951, c. 62;}
Senate and House of Commons of Canada, enacts as ^{1952, c. 52.}
follows:

1. Section 9 of *The Veterans Benefit Act, 1951*, chapter 62 of the statutes of 1951, as enacted by chapter 52 of the statutes of 1952, is repealed and the following substituted therefor:

“9. This Act shall expire on the last day of the first ^{Expiration.} session of Parliament in 1954.”

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 53.

An Act to provide for the Government of the Yukon Territory.

[Assented to 14th May, 1953.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Yukon Act*.

Short title.

INTERPRETATION.

2. In this Act,

- | | |
|---|--------------------------------------|
| (a) "Commissioner" means the Commissioner of the Yukon Territory; | Definitions. "Com- missioner". |
| (b) "Commissioner in Council" means the Commissioner acting by and with the advice and consent of the Council; | "Com- missioner in Council". |
| (c) "Council" means the Council of the Yukon Territory; | "Council". |
| (d) "Court" means the Territorial Court for the Yukon Territory; | "Court". |
| (e) "intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating; | "Intoxicant". |
| (f) "Minister" means the Minister of Resources and Development; | "Minister". |
| (g) "ordinance" includes an ordinance of the Territory passed before or after the commencement of this Act; | "Ordinance". |

"Public
lands".

(h) "public lands" means any lands, in the Territory, belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose; and

"Territory".

(i) "Territory" means the Yukon Territory, which comprises the area described in the Schedule.

PART I.

GOVERNMENT.

Commissioner.

Com-
missioner.

3. The Governor in Council may appoint for the Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory.

Administra-
tion of the
govern-
ment.

4. The Commissioner shall administer the government of the Territory under instructions from time to time given him by the Governor in Council or the Minister.

Appoint-
ment of
Adminis-
trator.

5. The Governor in Council may appoint an Administrator to execute the office and functions of the Commissioner during his absence or illness or other inability or when the office of Commissioner is vacant.

Oaths of
Com-
missioner
and
Adminis-
trator.

6. The Commissioner and every Administrator appointed under this Act shall, before assuming the duties of his office, take and subscribe such oaths of office and allegiance in such manner as the Governor in Council may prescribe.

Salaries.

7. The salary of the Commissioner and of the Administrator shall be fixed by the Governor in Council and shall be paid out of the Consolidated Revenue Fund of Canada.

Seat of Government.

Seat of
govern-
ment.

8. The seat of government of the Territory shall be that prescribed by the Governor in Council and may, from time to time, be changed by him.

Council.

Elective
Council.

9. (1) There shall be a Council of the Yukon Territory, which shall be composed of five members elected to represent such electoral districts in the Territory as are named and described by the Commissioner in Council.

(2) Every Council shall continue for three years from the date of the return of the writs for the general election and no longer, but the Governor in Council may at any time dissolve the Council and cause a new Council to be elected.

Term of Council.

10. Each member of the Council shall, before assuming the duties of his office, take and subscribe before the Commissioner such oaths of office and allegiance as the Governor in Council may prescribe.

Oaths of office.

11. The Commissioner shall convene at least one session in every calendar year so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

Yearly session.

12. The Council shall sit separately from the Commissioner and shall present bills passed by it to the Commissioner for his assent.

Sittings separate from Commissioner; sanction of bills.

13. A majority of the Council, including the Speaker, constitutes a quorum.

Quorum

14. (1) Subject to subsection (2), the Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members of the Council and of those eligible for nomination and election as members of the Council and the reasons for or matters by which an elected member may be or become disqualified from being or sitting as a member of the Council.

Governor in Council may prescribe qualifications of electors, candidates etc.

(2) A person is not entitled to vote at an election or to be nominated or elected as a member of the Council unless he is a Canadian citizen or other British subject, has attained the age of twenty-one years and has been ordinarily resident in the Territory for a period of at least twelve months immediately prior to the date of election.

Minimum qualifications.

15. (1) The Commissioner in Council may provide for payment out of the Yukon Consolidated Revenue Fund to each member of the Council of

Sessional indemnity and expenses of members.

(a) an amount not exceeding fifty dollars for each day he is in attendance at a session of the Council, but the total amount payable under this paragraph to a member in any one calendar year shall not exceed one thousand dollars;

(b) the actual travelling expenses incurred by him in travelling from his place of residence to the place where the Council holds its session and return, but no payment shall be made to a member in respect of more than one return trip for each session of the Council; and

(c) an allowance for living expenses, not exceeding fifteen dollars for each day in which the Council is in session.

Living
expenses
not income.

(2) An allowance for living expenses that is paid to a member of the Council under paragraph (c) of subsection (1) is not income for that member for the purposes of the *Income Tax Act*.

Legislative Powers of Commissioner in Council.

Legislative
powers.

16. The Commissioner in Council may, subject to the provisions of this Act and any other Act of the Parliament of Canada, make ordinances for the government of the Territory in relation to the following classes of subjects, namely,

Direct
taxation.

(a) direct taxation within the Territory in order to raise a revenue for territorial, municipal or local purposes;

Territorial
offices.

(b) the establishment and tenure of territorial offices and the appointment and payment of territorial officers;

Municipal
institutions

(c) municipal institutions in the Territory, including municipalities, school districts, local improvement districts and irrigation districts;

Elections
and con-
troverted
elections.

(d) election of members of the Council and controverted elections;

Licences.

(e) the licensing of any business, trade, calling, industry, employment or occupation in order to raise a revenue for territorial, municipal or local purposes;

Incorporation
of
companies.

(f) the incorporation of companies with territorial objects, including tramways and street railway companies but excluding railway, steamship, air transport, canal, telegraph, telephone or irrigation companies;

Marriage
Property
and civil
rights.

(g) the solemnization of marriage in the Territory;

(h) property and civil rights in the Territory;

Administra-
tion of
justice.

(i) the administration of justice in the Territory, including the constitution, organization and maintenance of territorial courts of civil jurisdiction and the procedure in such courts but excluding the appointment of any judicial officers except coroners or the constitution, organization and maintenance of courts of criminal jurisdiction or procedure in criminal matters except the fees and expenses payable to jurors, witnesses and other persons;

Fees of
witnesses,
etc.

(j) the fees and expenses of witnesses, jurors, interpreters and coroners in civil and criminal matters;

Coroners.

(k) the appointment, powers and duties of coroners and coroners' inquests;

Juries.

(l) the summoning of juries, enforcement of their attendance and all matters relating to juries;

Sheriffs and
clerks
of courts.

(m) the powers, duties and obligations of sheriffs and clerks of the courts and their deputies;

Alimony

(n) the conferring of jurisdiction in matters of alimony upon the Court;

- (o) the issuing of licences or permits to scientists or explorers to enter the Territory or any part thereof and the prescription of the conditions under which such licences or permits may be issued and used; Scientists and explorers.
- (p) the levying of a tax upon furs or any portions of fur-bearing animals to be shipped or taken from the Territory to any place outside the Territory; Fur tax.
- (q) the preservation of game in the Territory; Game.
- (r) education in the Territory, subject to the conditions that any ordinance respecting education shall always provide that a majority of the ratepayers of any district or portion of the Territory, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof; Education.
- (s) the closing up, varying, opening, establishing, building, management or control of any roads, streets, lanes or trails on public lands; Roads.
- (t) intoxicants; Intoxicants.
- (u) the establishment, maintenance and management of hospitals in and for the Territory; Hospitals.
- (v) agriculture; Agriculture.
- (w) the expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territory as the Commissioner is authorized to expend by and with the advice of the Council; Expenditure of territorial funds.
- (x) generally, all matters of a merely local or private nature in the Territory; Local and private matters.
- (y) the imposition of fines, penalties, imprisonment or other punishments in respect of the violation of the provisions of any ordinance; and Fines and penalties.
- (z) such other matters as are from time to time designated by the Governor in Council. Matters designated by Governor in Council.

17. Nothing in section 16 shall be construed to give the Commissioner in Council greater powers with respect to any class of subjects described therein than are given to legislatures of the provinces of Canada under sections 92 and 95 of the *British North America Act, 1867*, with respect to similar subjects therein described. Restriction on powers.

18. The Commissioner in Council may make ordinances authorizing the Commissioner to enter into an agreement Agreements with Government of Canada.

with the Government of Canada under and for the purposes of any Act of the Parliament of Canada that authorizes the Government of Canada to enter into agreements with the provinces, but no such agreement shall be entered into by the Commissioner without the approval of the Governor in Council.

Borrowing. **19.** (1) The Commissioner in Council may make ordinances

(a) for the borrowing of money by the Commissioner on behalf of the Territory for the purpose of

(i) meeting annual expenditures of the Territory pending receipt of annual territorial revenues, or

(ii) lending money to municipalities for the construction of roads, waterworks, sewers or other municipal works,

and for the repayment out of the Yukon Consolidated Revenue Fund of money so borrowed; and

(b) for lending money out of the Yukon Consolidated Revenue Fund to municipalities for the purposes set out in subparagraph (ii) of paragraph (a).

**Charge on
Yukon
C.R.F.**

(2) The payment of all money borrowed under the authority of this section and interest thereon is a charge on and payable out of the Yukon Consolidated Revenue Fund.

Restriction. (3) No money shall be borrowed or lent under the authority of this section without the approval of the Governor in Council.

**Ordinances
to be laid
before
Parlia-
ment.**

20. (1) A copy of every ordinance made by the Commissioner in Council shall be transmitted to the Governor in Council within thirty days after the passing thereof and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter.

Disallowance. (2) Any ordinance or any provision thereof may be disallowed by the Governor in Council at any time within two years after its passage.

**Enforce-
ment of
fines, etc.**

21. Unless otherwise therein specially provided, proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any ordinance in force in the Territory may be brought summarily before a justice of the peace under the provisions of the *Criminal Code* relating to summary conviction.

Laws Applicable to Territory.

**Existing
laws
continued**

22. Subject to the provisions of this Act, the laws relating to civil and criminal matters and the ordinances in force in the Northwest Territories on the 13th day of June, 1898, shall be and remain in force in the Territory, in so far

as the same are applicable thereto, and in so far as the same have not been or are not hereafter repealed, abolished or altered by the Parliament of Canada, or by any ordinance.

Yukon Consolidated Revenue Fund.

23. All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Yukon Consolidated Revenue Fund.

Yukon Consolidated Revenue Fund.

24. It shall not be lawful for the Council to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue of the Territory, or of any tax or impost, to any purpose that has not been first recommended to Council by message of the Commissioner, in the session which such vote, resolution, address, or bill is proposed.

Recommendation of Commissioner.

25. When any sum of money is granted to Her Majesty by Parliament to defray expenses for any specified public service in the Yukon Territory, the power of appropriation by the Commissioner in Council over that sum is subject to the specified purpose for which it is granted.

Appropriation of moneys granted by Parliament.

26. (1) The receipt and expenditure of territorial funds and of such portion of any moneys appropriated by Parliament for the Territory as the Commissioner is authorized to expend by and with the advice and consent of the Council or any committee thereof, and the accounts with respect to such receipt and expenditure, are subject to examination and audit by the Auditor General in the same manner and to the same extent as are the receipt and expenditure of public moneys of Canada and the accounts with respect thereto under the *Financial Administration Act*.

Audit by Auditor General.

(2) The Auditor General shall, whenever he deems it necessary or desirable, send an officer of his office to the Territory for the purpose of examining and auditing such receipt, expenditure and accounts, and reporting thereon to him.

Auditor General may send officer to Territory.

(3) The public accounts of the Territory shall include the period from the 1st day of April in one year to the 31st day of March in the next year, both inclusive, which period constitutes the fiscal year.

Fiscal year.

(4) The Auditor General, and while he is engaged in any inspection, examination and audit under this section, the officer referred to in subsection (2), has, in connection with such inspection, examination and audit all the powers that the Auditor General has under the *Financial Administration*

Powers of Auditor General.

Act in connection with the examination and audit of the receipt and expenditure of public moneys of Canada and the accounts with respect thereto.

PART II.

ADMINISTRATION OF JUSTICE.

Territorial Court.

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|------------------------------|---|
| Territorial Court continued. | <p>27. There shall continue to be a superior court of record in and for the Territory called the Territorial Court of the Yukon Territory, consisting of one or more judges appointed by the Governor in Council.</p> |
| Tenure of office. | <p>28. The judges of the Court hold office during good behaviour, but are removable by the Governor in Council on address of the Senate and House of Commons.</p> |
| Deputy judges. | <p>29. (1) The Governor in Council may, from time to time, in the case of sickness, absence or engagement upon other duty of a judge of the Court or at the request of a judge of the Court, specially appoint any person who is or has been a judge of a superior, county or district court of any of the provinces of Canada or a barrister or advocate of at least ten years' standing at the bar of any such province to be a deputy judge of the Court.</p> |
| Tenure of office. | <p>(2) A deputy judge may be appointed pursuant to this section for any particular case or cases or for any specified period of time and his appointment shall be terminated at the pleasure of the Governor in Council.</p> |
| Powers | <p>(3) A deputy judge shall be sworn to the faithful performance of his duties in the same manner as a judge of the Court and shall, during his appointment, temporarily have and may exercise all the powers, authorities, and functions of a judge of the Court and the expression "judge of the Court" shall be deemed to include a deputy judge of the Court.</p> |
| Oath of office. | <p>30. (1) Every judge of the Court shall, before assuming the duties of his office, take the following oath of office:</p> <p>I,, do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trusts reposed in me as one of the judges of the Territorial Court of the Yukon Territory. So help me God.</p> |
| Administration of oath. | <p>(2) The oath shall be administered by a judge of the Court or by the Commissioner or by a person authorized by the Commissioner to administer such oath.</p> |

31. (1) The Court is a superior court of record having civil and criminal jurisdiction throughout the Territory. General powers.

(2) The Court shall, throughout the Territory, have and may exercise in civil cases, all the powers, duties and functions that were vested in it immediately prior to the commencement of this Act. Jurisdiction continued.

(3) A judge of the Court shall, throughout the Territory, have and may exercise all the powers, duties and functions that are vested in the Court. Judge has powers of Court.

32. Each judge of the Court shall reside at such place as the Governor in Council, in the Commission to such judge, or by order in council, directs. Residence.

33. Sittings of the Court shall be held at such times and places as a judge of the Court deems necessary or as may be directed by the Commissioner. Sittings.

34. No grand jury shall be summoned or sit in the Territory. No grand jury.

35. (1) In this section "court of appeal" means the Court of Appeal of the Province of British Columbia. Meaning of Court of Appeal.

(2) Subject to subsection (3), an appeal lies from the final judgment of a judge of the Court to the court of appeal in any civil case where Where appeal lies.

(a) the matter in controversy amounts to the sum or value of five hundred dollars or upwards; Matter involves five hundred dollars or more.

(b) the title to real property or some interest therein is affected; Title to real property.

(c) the validity of a patent is affected; Patent.

(d) the matter relates to the taking of an annual or other rent, customary or other duty or fee or a like demand of a public or general nature affecting future rights; Future rights.

(e) the proceedings are for or upon mandamus, prohibition or injunction; Mandamus, etc.

(f) the action is for the recovery of, the establishment of title to or the right of the claimant to or the establishment of the boundaries of or the inclusion of land or property in a claim, mining property, mineral claim, location, or permit, or interest therein, as defined in any Act of Parliament or regulations thereunder; or Mining claims

(g) the action is for divorce or judicial separation. Divorce and judicial separation

(3) No appeal lies from the final judgment of a judge of the court on appeal from the decision of a mining recorder respecting a dispute in regard to mining property previous to the issue of a lease of a claim. Exception

(4) The court of appeal and the judges thereof have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were Powers of court of appeal.

an appeal duly authorized from a like judgment, order or decree made by the Supreme Court of British Columbia, or a judge thereof, in the exercise of its ordinary jurisdiction.

Notice of
appeal.

(5) Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given or within such further time as the judge of the Court who gave such judgment may allow.

Stay of
execution.

(6) Execution of the judgment appealed from shall not be stayed except upon order of the judge of the Court who gave such judgment or the court of appeal, or a judge thereof, and upon such terms as may be just.

Quorum.

(7) Three judges of the court of appeal constitute a quorum for the hearing of such appeals.

Procedure.

(8) The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the court of appeal, so far as such practice and procedure are applicable and are not inconsistent with anything in this section and except in so far as it is otherwise provided by the general rules made pursuant to this section.

General
rules.

(9) The judges of the court of appeal may make general rules not inconsistent with this Act for regulating the practice and procedure upon such appeals.

Appeal to
Supreme
Court of
Canada.

(10) An appeal lies to the Supreme Court of Canada from the judgment upon any appeal authorized by this section wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered in a like case in the exercise of the ordinary jurisdiction of the court of appeal upon appeal in respect of cases originating in the courts of British Columbia.

Police Magistrates.

Appoint-
ment.

36. (1) The Governor in Council may appoint one or more persons who are barristers or advocates of at least three years' standing at the bar of any of the provinces of Canada to be police magistrates in and for the Territory and may fix their salaries and allowances.

Tenure,
residence,
etc.

(2) A police magistrate holds office during pleasure, shall reside in the Territory during his term of office and shall not, during such term, practice as a barrister or solicitor.

Has powers
of justices
of the peace.

37. A police magistrate has and may exercise the powers, duties and functions of a justice of the peace or any two justices of the peace under this Act or any other law or ordinance in force in the Territory.

Civil
jurisdiction.

38. (1) Subject to subsection (2), the Governor in Council may, by order, vest in any police magistrate named in such order civil jurisdiction in

- (a) actions arising out of contract, expressed or implied, and actions of debt, where the debt, demand or damages claimed do not exceed one thousand dollars; Contract and debt.
 - (b) personal actions of tort, where the damages claimed do not exceed one thousand dollars; Torts.
 - (c) all actions for the recovery of personal property, including actions of replevin and for detinue, where the value of the property claimed does not exceed one thousand dollars; Recovery of personal property.
 - (d) interpleader proceedings Interpleader proceedings.
 - (i) where the person seeking relief is under liability for any debt, money or chattels to an amount or value not exceeding one thousand dollars for and in respect of which adverse claims are made by two or more persons, or
 - (ii) where the applicant is a sheriff or some other officer charged with the execution of process and claim is made to any money or chattels taken or intended to be taken in the execution, or the proceeds of value thereof, by a person other than the person against whom the process issued, where the money, proceeds or value of the chattels claimed does not exceed one thousand dollars;
 - (e) garnishment proceedings for the attachment of debt due, obligations and liabilities owing, payable or accruing due by a third person to a person against whom an action for a debt or liquidated demand not exceeding one thousand dollars is or is about to be commenced or against whom a judgment has been given; and Garnishment proceedings.
 - (f) attachment proceedings for the recovery of a sum not exceeding one thousand dollars for debt or damages arising upon a contract, expressed or implied, or upon a judgment upon the personal property of a person who Attachment proceedings.
 - (i) being a non-resident of the Territory, is so indebted or liable to a resident of the Territory, or
 - (ii) with intent to defeat or defraud his creditors or those who have causes of action against him, absconds or is about to abscond from the Territory leaving personal property or to remove his personal property out of the Territory or did or is about to assign, transfer, dispose of or secrete such property or to conceal himself to avoid service of process.
- (2) A police magistrate shall not be vested with civil jurisdiction in
- (a) actions in which the title to land or to an interest in land is brought in question; Jurisdiction excluded in certain cases.
 - (b) actions in which the validity of any devise, bequest or limitation is disputed; Where title to land involved. Devises, bequests, etc.

Malicious
prosecu-
tion, etc.

Actions
against
justices of
the peace.

Appeals from
police magis-
trates in
civil cases.

Further
title.

- (c) actions for malicious prosecution, false imprisonment, libel, slander, criminal conversation, seduction or breach of promise of marriage; and
(d) actions against a justice of the peace for anything done by him in the execution of his office.

39. (1) An appeal may be taken from the final judgment of a police magistrate in any civil case to a judge of the Court where the matter in controversy, exclusive of costs, amounts to the sum or value of not less than one hundred dollars.

(2) An appeal from the final judgment of a judge of the Court on an appeal referred to in subsection (1) may be taken in the same manner, for the same causes and subject to the same limitations as are prescribed in section 35 with reference to appeals from trial judgments of judges of the Court.

Justices of the Peace.

Appoint-
ment.

R.C.M.P.
officers are
ex officio
justices of
the peace.

Have powers
of two
justices of
the peace.

40. (1) The Governor in Council may, from time to time, appoint any person to be a justice of the peace in and for the Territory to hold office during pleasure.

(2) Every commissioned officer of the Royal Canadian Mounted Police is, when he is in the Territory, *ex officio*, a justice of the peace in and for the Territory.

(3) Every justice of the peace in and for the Territory shall, throughout the Territory, have and may exercise the powers, duties and functions of two justices of the peace under any law or ordinance in force in the Territory.

Other Officers.

Other
officers.

41. The Governor in Council may appoint the clerk of the Court, sheriff and such other officers for the due administration of justice in the Territory as are deemed necessary and may fix their salaries and allowances.

Oaths of Office.

Oaths of
office.

42. Every police magistrate and justice of the peace appointed under this Act and every person appointed under section 41 shall, before assuming the duties of his office, take and subscribe such oaths of office and allegiance in such manner as the Governor in Council may prescribe.

Confinement of Prisoners.

Prisons in
the
Territory.

43. (1) The following places in the Territory are prisons, gaols or lockups for the confinement of persons charged with the commission of any offence under a statute, ordin-

ance or other law in force in the Territory or sentenced thereunder to a term of imprisonment not exceeding two years, namely,

- (a) every guardhouse, guardroom or other place of confinement that is maintained or managed by the Royal Canadian Mounted Police; and
- (b) every building or part thereof or other enclosure, other than those referred to in paragraph (a), that is designated as a prison, gaol or lockup for the purposes of this section by the Governor in Council.

(2) Where it is impossible or inconvenient, by reason *Idem.* of absence or remoteness, to confine a person referred to in subsection (1) in a prison, gaol or lockup, such person may be sentenced or directed by a judge of the Court, police magistrate or justice of the peace, as the case may be, to be placed and kept in the custody of the Royal Canadian Mounted Police.

44. The Governor in Council may make rules and regulations for the management, discipline and policy of prisons, gaols and lockups in the Territory, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any prison, gaol or lockup. *Regulations respecting prisons and prisoners.*

PART III.

GENERAL.

Lands.

45. The following properties, namely,

- (a) lands acquired before or after the coming into force of this Act with territorial funds;
- (b) public lands, the administration of which has before or after the coming into force of this Act been transferred by the Governor in Council to the Territory; and

Power to hold lands.

(c) all roads, streets, lanes and trails on public lands; are and remain vested in Her Majesty in right of Canada, but the right to the beneficial use or to the proceeds thereof is hereby appropriated to the Territory and is subject to the control of the Commissioner in Council; and any such lands, roads, streets, lanes or trails may be held by and in the name of the Commissioner for the beneficial use of the Territory.

Reindeer.

Regulations
respecting
reindeer.

46. (1) The Governor in Council may make regulations (a) authorizing the Minister to enter into agreements with Eskimos or Indians, or persons with Eskimo or Indian blood living the life of an Eskimo or Indian, for the herding of reindeer that are the property of Her Majesty, such agreements, if deemed advisable by the Minister, to include provisions for the transfer of such portions of the herds as may be therein specified to the herders upon satisfactory completion of the agreements;

(b) for the control, management, administration and protection of reindeer in the Territory, whether they are the property of Her Majesty or otherwise;

(c) for the sale of reindeer and the slaughter or other disposal of surplus reindeer and the carcasses thereof; and

(d) controlling or prohibiting the transfer or shipment by any means of reindeer or their carcasses or parts thereof, whether they are the property of Her Majesty or otherwise, from any place in the Territory to any other place within or without the Territory.

Seizure.

(2) Where a peace officer or any person who is a game officer under any ordinance has reasonable grounds for believing that any reindeer or part thereof has been taken, killed, transferred, shipped or had in possession in violation of the regulations or that any vessel, vehicle, aeroplane, firearm, trap or other article or thing has been used in violation of the regulations, he may, in the Territory, without a warrant, effect seizure thereof.

Forfeiture.

(3) Every seizure made under subsection (2) shall be reported as soon as practicable to a justice of the peace who may, upon satisfying himself that the reindeer or part thereof or the vessel, vehicle, aeroplane, firearm, trap or other article or thing has been taken, dealt with or used in violation of the regulations, declare it to be forfeited to Her Majesty and, upon such declaration, it is forfeited.

Application
of the *Game
Export Act*.

(4) The *Game Export Act* applies to reindeer or the carcasses or part thereof and for that purpose, "game" under that Act shall be deemed to include such reindeer, carcasses or part thereof, "killed" to include the taking or capture of or dealing in live reindeer and "export permit" to include a permit or licence issued under the regulations made pursuant to this section.

Intoxicants.

Manufacture
and importa-
tion of
intoxicants

47. (1) No intoxicant shall be manufactured, com-
pounded or made in the Territory or imported or brought

into the Territory from any place outside the Territory, whether it is in Canada or elsewhere, except by permission of the Commissioner.

(2) Intoxicants manufactured, compounded or made in the Territory or imported or brought into the Territory are subject to the customs and excise laws of Canada. Subject to customs and excise laws

(3) Where a peace officer has reasonable grounds for believing that any intoxicant has been manufactured, compounded or made in the Territory or imported or brought into the Territory from any place outside the Territory in violation of this Act or that any vessel, vehicle, aeroplane, appliance, article or thing has been used for any of the above purposes in violation of this Act, he may, in the Territory, without a warrant, effect seizure thereof. Seizure.

(4) Every seizure made under subsection (3) shall be reported as soon as practicable to a justice of the peace who may, upon satisfying himself that the intoxicant or the vessel, vehicle, aeroplane, appliance, article or thing has been manufactured, compounded, made, imported, brought in or dealt with or used in violation of this Act, declare it to be forfeited to Her Majesty and, upon such declaration, it is forfeited. Forfeiture.

Insane Persons.

48. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the removal of insane persons from the Territory to mental institutions, asylums or other suitable places of confinement in that province, for their confinement, care and maintenance therein until the pleasure of the Commissioner is made known or until they are discharged by law and for the compensation to be paid to that province in respect of the confinement, care and maintenance of such insane persons. Arrangements for transfer to provincial institutions.

(2) The compensation to be paid to a province under subsection (1) shall be paid out of territorial revenues. Payment out of territorial revenues.

49. (1) Where an insane person has escaped from a mental institution, asylum or other place of confinement, within or without the Territory, any person employed therein or connected therewith or other person requested by the person in immediate charge or control thereof may, within forty-eight hours after such escape, without a warrant, retake the escaped person and return him thereto, or may, at any time after such escape up to the time specified in the warrant, do so if a warrant is issued to him for that purpose. Recapture of escaped insane persons.

(2) A warrant may be issued for the purposes of subsection (1) by the person in immediate charge or control of the mental institution, asylum or other place of confinement from which the escape was made and shall contain the name Warranta.

and description of the escaped insane person, the name and office, if any, of the person to whom it is issued, the place to which and the person to whom the escaped person is to be returned and the time, not exceeding three months, for which the warrant is valid.

Custody of
recaptured
persons.

(3) An escaped person who is returned to custody under this section shall remain in custody under the authority by virtue of which he was detained prior to his escape.

Neglected Children.

Arrange-
ments for
care in
provincial
institutions.

50. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the removal of neglected children from the Territory to foster homes or suitable institutions in that province, for their care, education and maintenance therein and for the compensation to be paid to that province in respect of the care, education and maintenance of such neglected children.

Payment out
of territorial
revenues.

(2) The compensation to be paid to a province under subsection (1) shall be paid out of territorial revenues.

Archaeological Sites.

Regulations
respecting
archaeological
sites, etc.

51. (1) The Governor in Council may make regulations for the protection, care and preservation of sites, works, objects and specimens of archaeological, ethnological or historical importance, interest or significance and explorers' cairns and explorers' documents.

Power to
seize.

(2) Where any peace officer has reasonable grounds for believing that any object, specimen or document has been removed, taken, shipped, had in possession or otherwise dealt with contrary to the regulations, he may, in the Territory, without a warrant, effect seizure thereof.

Forfeiture.

(3) Every seizure made under subsection (2) shall be reported as soon as practicable to a justice of the peace, who may, upon satisfying himself that the object, specimen or document was removed, taken, shipped, had in possession or otherwise dealt with contrary to the regulations, declare it to be forfeited to Her Majesty and upon such declaration it is forfeited.

Offence and Penalty.

Offence and
penalty.

52. Every person who violates a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

53. (1) Every person who exports or attempts to export from the Territory any gold that was obtained from placer mining operations and with respect to which any royalty imposed by law has not been paid, is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

Export of gold without payment of royalty.

Offence.

(2) Where a person is convicted under subsection (1) the convicting magistrate or justice may in his discretion order that the gold in respect of which the conviction is had is and thereupon the gold shall be forfeited to Her Majesty.

On conviction gold forfeited to Her Majesty.

(3) Every person about to export such gold from the Territory shall upon demand produce to any peace officer a certificate from the Commissioner of the Territory or person authorized by the Commissioner certifying that the royalty with respect to such gold has been paid and failure to produce the certificate upon such demand is prima facie evidence that the royalty has not been paid.

Production of certificate that royalty paid.

(4) Where any peace officer has reasonable and probable grounds for believing that any person has committed or has reason to believe that any person is about to commit an offence described in subsection (1) or has in his possession or in his belongings any such gold in respect of which the royalty has not been paid, such peace officer may without warrant search such person and his belongings and any articles believed to be his belongings and may seize any such gold found upon such person or in such belongings.

Search without warrant and seize gold.

(5) No female shall be searched pursuant to this section except by a suitable woman who is a peace officer or is authorized by the peace officer to make the search.

Search of female.

(6) Any gold seized pursuant to subsection (4) may be detained for a period of six months, and if before the expiration of such period any proceedings with respect to such gold are taken under this Act may be further detained until such proceedings are finally concluded.

Detention of seized gold

(7) For the purpose of this section the expression "peace officer" means a peace officer as defined in the *Criminal Code*.

"Peace officer".

Repeal and Coming into Force.

54. (1) This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Coming into force

(2) If this Act comes into force before the day on which the Revised Statutes of Canada, 1952 come into force, then, on the day this Act comes into force,

Repeal.

(a) the *Yukon Act*, chapter 215 of the Revised Statutes of Canada, 1927, is repealed;

(b) sections 5 to 11 and 14 to 16 of the *Land Titles Act*, chapter 118 of the Revised Statutes of Canada, 1927, are repealed; and

(c) in section 19 of *The Penitentiary Act*, chapter 6 of the statutes of 1939, the words

“The British Columbia Penitentiary, for the Province of British Columbia; and”

are repealed and the words

“The British Columbia Penitentiary, for the Province of British Columbia and for the Yukon Territory; and”

are substituted therefor;

and the *Yukon Act*, chapter 298 of the Revised Statutes of Canada, 1952, is repealed on the day the Revised Statutes of Canada, 1952 come into force.

Repeal.

(3) If this Act comes into force on or after the day on which the Revised Statutes of Canada, 1952 come into force, then, on the day this Act comes into force,

(a) the *Yukon Act*, chapter 298 of the Revised Statutes of Canada, 1952, is repealed;

(b) sections 5 to 11 and 14 to 16 of the *Land Titles Act*, chapter 162 of the Revised Statutes of Canada, 1952, are repealed; and

(c) paragraph (e) of section 19 of the *Penitentiary Act*, chapter 206 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

“(e) the British Columbia Penitentiary, for the Province of British Columbia and for the Yukon Territory; and”

SCHEDULE.

The Yukon Territory shall be bounded as follows: On the south, by the province of British Columbia and the United States Territory of Alaska; on the west by the said United States Territory of Alaska; on the north, by that part of the Arctic ocean called Beaufort sea; and on the east by a line beginning at the point of intersection of the left bank of the Liard river, by the northern boundary of the province of British Columbia in approximate longitude $124^{\circ} 16'$ west of Greenwich; thence northwesterly along the line of the watershed separating the streams flowing into the Liard river below the point of beginning or into the Mackenzie river, from those flowing into the Liard river above the point of beginning, or into the Yukon river, to the line of watershed of the basin of Peel river; thence northerly along the line of watershed between the Peel and Mackenzie rivers to the sixty-seventh degree of north latitude; thence westerly along the parallel of the sixty-seventh degree of north latitude to the line of watershed between the Peel and Yukon rivers; thence northerly along the said line of watershed to the trail across the portage in McDougall pass between Rat and Bell rivers; thence due north to the northern limit of the Yukon Territory; the said Territory to include the islands within twenty statute miles from the shores of the Beaufort sea as far as the aforesaid due north line from McDougall pass.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

1 - 2 ELIZABETH II.

CHAP. 54.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1954.

[Assented to 14th May, 1953.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
the Right Honourable Vincent Massey, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and fifty-four, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as *The Appropriation Act*, Short title.
No. 3, 1953.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole two billion, six hundred and seventy million, nine hundred and seventeen thousand and twenty-eight dollars and eighty-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-three, to the thirty-first day of March, one thousand nine hundred and fifty-four, not otherwise provided for, and being the amount of each of the items voted, set forth in Schedule A to this Act, less the amounts voted on account of the said items by *The Appropriation Act, No. 1, 1953.*

\$2,670,917,-
028.82. Main
Estimates
granted for
1953-54.

\$41,237,118
Supple-
mentary
Estimates
granted for
1953-54.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole forty-one million, two hundred and thirty-seven thousand, one hundred and eighteen dollars, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-three, to the thirty-first day of March, one thousand nine hundred and fifty-four, not otherwise provided for, and being the amount of each of the items voted, set forth in Schedule B to this Act.

Power to
raise loan of
\$500,000,000
for public
works and
general
purposes.
1951 (2nd
Sess.), c. 12.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the provisions of *The Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not to exceed in the whole, the sum of five hundred million dollars, as may be required for public works and general purposes.

Lapse of
prior
borrowing
powers.

(2) All borrowing powers authorized by section four of chapter fifty-five of the statutes of 1952 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to
be rendered.
1951 (2nd
Sess.), c. 12.

5. Sums expended under the authority of this Act shall be accounted for in the Public Accounts in conformity with section sixty-four of *The Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1953-54. The amount hereby granted is \$2,670,917,028.82, being the amount of each of the items in the Estimates (less reduction of \$635,735 in Resolution No. 487), as contained in this Schedule, less the amounts voted on account of the said items by *The Appropriation Act, No. 1, 1953*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1954, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | ADMINISTRATION SERVICE | | |
| 1 | Departmental Administration..... | 354,893 | |
| 2 | Information Service..... | 370,848 | |
| 3 | Advisory Committee on Agricultural Services..... | 5,000 | |
| 4 | Contributions to Commonwealth Agricultural Bureaux in a total amount of £34,928, notwithstanding that payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1953, which is..... | 95,179 | |
| | SCIENCE SERVICE | | |
| | Science Service Administration— | | |
| 5 | Operation and Maintenance..... | 604,441 | |
| 6 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 1,534,850 | |
| 7 | Bacteriology and Dairy Research..... | 197,830 | |
| | Botany and Plant Pathology— | | |
| 8 | Operation and Maintenance..... | 1,238,147 | |
| 9 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 121,210 | |
| 10 | Chemistry..... | 661,188 | |
| | Entomology— | | |
| 11 | Operation and Maintenance..... | 1,876,485 | |
| 12 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 106,955 | |
| | Forest Biology— | | |
| 13 | Operation and Maintenance..... | 1,679,948 | |
| 14 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 288,005 | |
| 15 | Plant Protection..... | 779,028 | |
| | EXPERIMENTAL FARMS SERVICE | | |
| 16 | Experimental Farms Service Administration..... | 169,675 | |
| | Central Experimental Farm including Research and Co-ordinating Divisions for the Experimental Farms Service— | | |
| 17 | Operation and Maintenance..... | 1,980,694 | |
| 18 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 212,050 | |
| | Branch Experimental Farms, Sub-Stations and Illustration Stations— | | |
| 19 | Operation and Maintenance..... | 5,570,409 | |
| 20 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 891,260 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------|
| | | \$ | \$ |
| | AGRICULTURE—Continued | | |
| | PRODUCTION SERVICE | | |
| 21 | Production Service Administration..... | 69,607 | |
| | Animal Pathology— | | |
| 22 | Operation and Maintenance..... | 489,799 | |
| 23 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 40,650 | |
| | Health of Animals— | | |
| 24 | Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act..... | 5,002,862 | |
| 25 | Compensation for animals slaughtered, including compen- sation for eggs destroyed from infected premises under terms and conditions approved by the Governor in Council..... | 641,200 | |
| 26 | Live Stock and Poultry..... | 1,625,041 | |
| 27 | Plant Products— | | |
| | Seeds, Feeds, Fertilizers, Insecticides and Fungicides Control, including Grant of \$40,000 to Canadian Seed Growers' Association..... | 1,395,084 | |
| 28 | To provide for Grants to Fairs and Exhibitions in accordance with the regulations established by Order in Council of December 22, 1952, P.C. 4602; for payments on account of agreements in force on December 22, 1952, with Exhibition Associations covering the construction of buildings and other major undertakings; and for a grant of \$50,000 to the Royal Agricultural Winter Fair, Toronto, and Freight Assistance on Livestock Shipments thereto..... | 668,623 | |
| 29 | Grants to Agricultural Organizations, as detailed in the Esti- mates..... | 75,400 | |
| | MARKETING SERVICE | | |
| 30 | Marketing Service Administration..... | 260,925 | |
| 31 | Agricultural Economics..... | 579,725 | |
| 32 | Dairy Products..... | 695,345 | |
| 33 | Subsidies for Cold Storage Warehouses under The Cold Storage Act, and Grants, in the amounts detailed in the Estimates.. | 578,729 | |
| 34 | Fruit, Vegetables and Maple Products, and Honey, including Grant of \$5,000 to the Canadian Horticultural Council..... | 1,158,690 | |
| 35 | Live Stock and Live Stock Products..... | 1,365,320 | |
| 36 | Marketing of Agricultural Products, including temporary appointments that may be required to be made notwith- standing anything contained in the Civil Service Act, the amount available for such appointments not to exceed \$6,000..... | 100,000 | |
| | TERMINABLE SERVICES | | |
| 37 | Freight Assistance on Western Feed Grains..... | 17,000,000 | |
| 38 | Agricultural Lime Assistance..... | 500,000 | |
| 39 | To provide for Quality Premiums on High Grade Hog Carcasses and Administration Costs..... | 6,000,000 | |
| | SPECIAL | | |
| 40 | Agricultural Products Board Administration..... | 10,000 | |
| 41 | To provide for assistance to encourage the improvement of cheese and cheese factories..... | 1,000,000 | |
| 42 | To provide assistance for the replacement of maple production equipment..... | 300,000 | |
| 43 | For assistance in construction of potato warehouses under terms and conditions to be approved by the Governor in Council.. | 25,000 | |
| 44 | Prairie Farm Rehabilitation Act and Water Storage..... | 3,750,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|------------|
| | | \$ | \$ |
| | AGRICULTURE—Concluded | | |
| | SPECIAL—Concluded | | |
| 45 | Major Irrigation and Reclamation Projects in the Prairie Provinces..... | 7,893,420 | |
| 46 | Prairie Farm Assistance Act Administration..... | 450,000 | |
| 47 | Land Protection, Reclamation and Development in British Columbia under such terms and conditions as may be approved by the Governor in Council..... | 110,000 | |
| 48 | Land Protection and Reclamation; Clearing and Settlement of New Lands under such terms and conditions as may be approved by the Governor in Council..... | 175,000 | |
| 49 | Maritime Marshland Rehabilitation Act..... | 2,492,285 | |
| 50 | Assiniboine River—Dyking and Cut-off..... | 100,000 | |
| 51 | To provide for Administrative Expenses, Agricultural Prices Support Act, 1944..... | 98,592 | |
| 52 | To provide for the furnishing of a Room in the Headquarters Building of the Food and Agriculture Organization, Rome, Italy..... | 10,000 | 73,399,692 |
| | AUDITOR GENERAL'S OFFICE | | |
| 53 | Salaries and Expenses of Office..... | | 611,435 |
| | CANADIAN BROADCASTING CORPORATION | | |
| | INTERNATIONAL SHORTWAVE BROADCASTING SERVICE | | |
| 54 | Maintenance and Operation including authority to credit to the Appropriation revenue from rental of facilities in Radio Canada Building to an amount of \$160,000 and to re-expend it for the purposes of the International Service..... | 1,982,050 | |
| 55 | Construction or Acquisition of Buildings, Works, Land and New Equipment, including Supervision..... | 199,500 | 2,181,550 |
| | OFFICE OF THE CHIEF ELECTORAL OFFICER | | |
| 56 | Salaries and Expenses of Office..... | | 66,070 |
| | CITIZENSHIP AND IMMIGRATION | | |
| | A—DEPARTMENT | | |
| 57 | Departmental Administration..... | 280,729 | |
| | CITIZENSHIP | | |
| 58 | Citizenship Registration Branch..... | 195,964 | |
| 59 | Citizenship Branch..... | 390,464 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|------------|
| | | \$ | \$ |
| | CITIZENSHIP AND IMMIGRATION— <i>Concluded</i> | | |
| | A—DEPARTMENT— <i>Concluded</i> | | |
| | IMMIGRATION BRANCH | | |
| 60 | Administration of the Immigration Act..... | 824,403 | |
| 61 | Field and Inspectional Service, Canada—Operation and Maintenance, including \$10,000 for Grants to Immigrant Welfare Organizations..... | 5,204,217 | |
| 62 | Field and Inspectional Service, Abroad—Operation and Maintenance..... | 1,905,025 | |
| 63 | To provide, subject to the approval of Treasury Board, for Trans-Oceanic and Inland Transportation Assistance for Immigrants, including care en route and while awaiting employment..... | 500,000 | |
| | INDIAN AFFAIRS BRANCH | | |
| 64 | Branch Administration..... | 369,165 | |
| | Indian Agencies— | | |
| 65 | Operation and Maintenance..... | 2,072,211 | |
| 66 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 626,105 | |
| | Reserves and Trusts— | | |
| 67 | Operation and Maintenance..... | 145,064 | |
| 68 | Acquisition of Land..... | 75,000 | |
| | Welfare of Indians— | | |
| 69 | Operation and Maintenance..... | 1,894,004 | |
| 70 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 1,000,163 | |
| 71 | Grants to Agricultural Exhibitions and Indian Fairs..... | 7,350 | |
| 72 | Fur Conservation— | | |
| | Operation and Maintenance..... | 320,300 | |
| | Education— | | |
| 73 | Administration, Operation and Maintenance..... | 6,635,102 | |
| 74 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 3,201,086 | |
| 75 | Grant to provide Additional Services to Indians of British Columbia..... | 100,000 | |
| | B—NATIONAL GALLERY OF CANADA | | |
| 76 | Administration, Operation and Maintenance..... | 215,345 | |
| 77 | Payment to the National Gallery Purchase Account for the purpose of acquiring works of art, in conformity with Section 8 of the National Gallery Act..... | 130,000 | |
| | | | 26,091,697 |
| | CIVIL SERVICE COMMISSION | | |
| 78 | Salaries and Contingencies of the Commission..... | | 2,018,879 |
| | DEFENCE PRODUCTION | | |
| | A—DEPARTMENT | | |
| 79 | Departmental Administration and payments to Canadian Commercial Corporation and other corporate agencies for services provided in connection with defence purchasing and production..... | 6,710,933 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | DEFENCE PRODUCTION— <i>Concluded</i> | | |
| | A—DEPARTMENT— <i>Concluded</i> | | |
| 80 | To provide capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to approval of Treasury Board..... | 60,000,000 | |
| 81 | To provide for payment of grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors..... | 400,000 | |
| | B—CROWN COMPANIES | | |
| 82 | To provide for expenses incurred by Defence Construction (1951) Limited in procuring the construction of defence projects on behalf of the Department of National Defence.. | 4,242,000 | |
| | Canadian Arsenals Limited— | | |
| 83 | Administration and Operation..... | 1 | |
| 84 | Construction, Improvements and New Equipment..... | 2,000,000 | |
| | | | 73,352,934 |
| | EXTERNAL AFFAIRS | | |
| | A—DEPARTMENT AND MISSIONS ABROAD | | |
| 85 | Departmental Administration (including expenses of the Canadian Section of the Canada-United States Permanent Joint Board on Defence)..... | 2,853,958 | |
| 86 | Passport Office Administration..... | 254,124 | |
| 87 | Representation Abroad—Operational—including payment of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff appointed as directed by the Governor General in Council, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments..... | 5,758,874 | |
| 88 | Representation Abroad—Construction, acquisition or improvement of buildings, works, land, new equipment and furnishings..... | 911,850 | |
| 89 | Representation Abroad—To authorize the construction, acquisition, improvement and furnishing of properties for Canadian Government offices and residences abroad, payment therefor to be made in foreign currencies that are not convertible into Canadian or United States dollars and that may be used only for governmental or other limited purposes and that have been acquired in respect of reparations or pursuant to the settlement of claims arising out of military operations or war expenditures, or in exchange for other such currencies so acquired..... | 1,152,000 | |
| 90 | To provide for official hospitality..... | 20,000 | |
| 91 | To provide for relief of distressed Canadian citizens abroad and their dependents and for the reimbursement of the United Kingdom for relief expenditures incurred by its Diplomatic and Consular Posts on Canadian account (part recoverable)..... | 15,000 | |
| 92 | Canadian Representation at International Conferences..... | 225,000 | |
| 93 | Grant to the United Nations Association in Canada..... | 10,000 | |
| 94 | Grant to the International Committee of the Red Cross..... | 15,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS—Concluded | | |
| | A—DEPARTMENT AND MISSIONS ABROAD—Concluded | | |
| 95 | To authorize and provide for the payment from foreign currencies owned by Canada and available only for governmental or other limited purposes, in France, The Netherlands and Italy, of fellowships and scholarships and travelling expenses to enable Canadians to study in those countries, and for payment to the Royal Society of Canada of amounts not to exceed \$10,000 in all to meet travelling and other administrative costs incurred by the Society for those it may designate to act on its behalf in selecting persons to receive fellowships and scholarships..... | 125,000 | |
| | B—GENERAL | | |
| 96 | To provide for the Canadian Government's Assessment for Membership in International and Commonwealth Organizations, as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1953, which is..... | 2,689,902 | |
| 97 | United Nations Expanded Program for Technical Assistance to Under-Developed Countries..... | 850,000 | |
| | NORTH ATLANTIC TREATY ORGANIZATION | | |
| 98 | To provide, subject to the approval of the Governor General in Council and notwithstanding anything to the contrary in the Civil Service Act, for special administrative expenses, including payment of remuneration, in connection with the assignment by the Canadian Government of Canadians to the international staff of the North Atlantic Treaty Organization (part recoverable from the North Atlantic Treaty Organization)..... | 30,000 | |
| | INTERNATIONAL CIVIL AVIATION ORGANIZATION | | |
| 99 | To provide the International Civil Aviation Organization with office accommodation at less than commercial rates..... | 200,596 | |
| | INTERNATIONAL JOINT COMMISSION | | |
| 100 | Salaries and Expenses of the Commission..... | 95,800 | |
| 101 | To provide for Canada's share of the expenses of studies, surveys and investigations of the International Joint Commission.. | 134,290 | |
| | TERMINABLE SERVICES | | |
| 102 | Colombo Plan..... | 25,400,000 | |
| 103 | To provide for the Canadian Government's Assessment for Membership in the Inter-governmental Committee for European Migration in an amount of \$194,519 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1953, which is..... | 188,683 | |
| 104 | Contribution to the United Nations International Children's Emergency Fund..... | 500,000 | |
| | | | 41,430,077 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------|
| | | \$ | \$ |
| | FINANCE | | |
| | GENERAL ADMINISTRATION | | |
| 105 | Departmental Administration..... | 1,670,515 | |
| 106 | Comptroller of the Treasury— Central Office and Branch Offices Administration..... | 13,605,551 | |
| | ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS | | |
| 107 | Superannuation and Retirement Acts, Administration..... | 206,946 | |
| 108 | The Bank Act—Salaries and expenses of the Inspector General of Banks' Office..... | 32,835 | |
| 109 | Administration of The Farm Improvement Loans Act, 1944, and The Veterans' Business and Professional Loans Act, 1946..... | 78,600 | |
| 110 | Expenses of the Tariff Board..... | 103,713 | |
| | Expenses of The Royal Canadian Mint and the Assay Office, Vancouver, B.C.— | | |
| 111 | Administration, Operation and Maintenance..... | 1,051,961 | |
| 112 | Construction or Acquisition of New Equipment..... | 740,953 | |
| 113 | Administration of Employees' Instalment Purchase Plan, including sale and delivery of Canada Savings Bonds to Government employees, and of employees' group insurance plans..... | 97,310 | |
| | PAYMENTS TO MUNICIPALITIES | | |
| 114 | Grants to Municipalities in lieu of taxes on Federal Property— To provide for payments to municipalities in accordance with The Municipal Grants Act, and the Rural Municipal Grants Regulations established by Order in Council of August 6, 1952, P.C. 3729; and to provide for pay- ments to municipalities under Order in Council of July 19, 1950, P.C. 3456, in respect of the cost of medical and hospital services and supplies furnished to federal employees and other persons specified therein..... | 2,701,300 | |
| | CONTINGENCIES AND MISCELLANEOUS | | |
| 115 | To provide, subject to the approval of the Treasury Board, for miscellaneous minor and unforeseen expenses including authority to re-use any sums repaid to this appropriation from other appropriations, and special compensation or other rewards for inventions or practical suggestions for improvements..... | 1,000,000 | |
| 116 | Cost of Telephone Service at Ottawa for all Departments..... | 885,000 | |
| 117 | Amount required to cover losses incurred on foreign exchange tendered in payment of accounts receivable..... | 5,000 | |
| | GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS | | |
| 118 | To provide for a Government contribution to the Superannuation Fund in an amount equal to the estimated current and arrears payments of individual contributors in the previous fiscal year..... | 16,755,989 | |
| 119 | To provide, subject to the approval of the Treasury Board, for supplementing other votes for the payment of salaries, wages and other payroll charges..... | 1,500,000 | |
| 120 | To provide for the Government's contribution, as an Employer, to the Unemployment Insurance Fund in respect of Govern- ment Employees paid through the Central Pay Office..... | 1,150,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|------------|
| | | \$ | \$ |
| | FINANCE—Concluded | | |
| | GRANTS TO UNIVERSITIES | | |
| 121 | To provide grants to institutions of higher learning recognized in each province by the Government of Canada and the government of the province as being universities or institutions of equivalent standing equal to an amount, for each province, not exceeding 50 cents per head of its population as certified by the Dominion Bureau of Statistics divided among the recognized institutions of the province proportionately to their enrolment of full time intramural students in personal attendance at the recognized institution or at an institution in the same province affiliated with it who are registered in courses of university level recognized as leading to and counting year for year toward a university degree awarded by a university in Canada and the Minister of Finance may for this purpose more particularly define the terms "university level" and "university degree",..... | 7,415,000 | |
| | MISCELLANEOUS GRANTS | | |
| 122 | Canadian General Council of the Boy Scouts..... | 15,000 | |
| 123 | Canadian Council of the Girl Guides Association..... | 9,000 | |
| 124 | Royal Astronomical Society of Canada..... | 3,000 | |
| 125 | Royal Canadian Academy of Arts..... | 4,025 | |
| 126 | Canadian Writers Foundation..... | 4,000 | |
| 127 | Boys' Clubs of Canada..... | 10,000 | |
| 128 | Canadian Association of Consumers..... | 6,000 | |
| 129 | British Empire and Commonwealth Games Society..... | 100,000 | |
| 130 | To authorize a grant for rehabilitation of the Maison des Etudiants Canadiens in Paris, France, payable in French Francs owned by Canada and available only for governmental or other limited purposes..... | 100,000 | |
| | | | 49,256,698 |
| | FISHERIES | | |
| | GENERAL SERVICES | | |
| 131 | Departmental Administration..... | 298,800 | |
| 132 | Information and Educational Service, including \$3,000 for Grants to Fisheries Exhibitions..... | 131,380 | |
| 133 | Markets and Economics Service..... | 211,815 | |
| 134 | Administrative expenses of the Newfoundland Fisheries Board..... | 16,750 | |
| 135 | Industrial Development Service..... | 250,000 | |
| | FIELD SERVICES | | |
| 136 | Field Services Administration..... | 468,900 | |
| | Protection Branch— | | |
| 137 | Operation and Maintenance..... | 2,958,000 | |
| 138 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 187,250 | |
| | Inspection Branch— | | |
| 139 | Operation and Maintenance..... | 913,955 | |
| 140 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 17,050 | |
| | Fish Culture and Development Branch— | | |
| 141 | Operation and Maintenance..... | 665,400 | |
| 142 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 286,800 | |
| 143 | Consumer Branch..... | 67,545 | |
| 144 | To provide for the destruction of Harbour and Gray Seals.... | 30,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | FISHERIES—Concluded | | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 145 | Headquarters Administration..... | 119,115 | |
| 146 | Operation and Maintenance..... | 1,843,976 | |
| 147 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 229,255 | |
| | INTERNATIONAL COMMISSIONS | | |
| 148 | To provide for Canadian share of expenses of the International Fisheries Commission appointed under Treaty dated January 29, 1937, between Canada and the United States for the preservation of the North Pacific Halibut Fisheries. | 55,900 | |
| 149 | To provide for Canadian share of expenses of the International Pacific Salmon Fisheries Commission appointed under Treaty dated May 26, 1930, between Canada and the United States for the protection, preservation and extension of the Sockeye Salmon Fisheries of the Fraser River System. | 174,050 | |
| 150 | To provide for Canadian share of expenses of the International Whaling Commission, appointed pursuant to the Inter- national Convention for the Regulation of Whaling, dated at Washington, December 2, 1946..... | 2,500 | |
| 151 | To provide for Canadian share of expenses of the International Commission for the Northwest Atlantic Fisheries appointed pursuant to International Conventions for the investigation, protection and conservation of the fisheries of the North- west Atlantic Ocean, dated at Washington, February 8, 1949. | 20,000 | |
| 152 | To provide for Canadian share of expenses of the International North Pacific Fisheries Commission appointed pursuant to the International Convention for the High Seas Fisheries of the North Pacific Ocean, dated May 9, 1952..... | 15,000 | |
| | SPECIAL | | |
| 153 | To provide for operation and maintenance of Newfoundland Bait Service..... | 309,195 | |
| 154 | To provide for the extension of educational work in co-operative producing and selling among fishermen..... | 80,000 | |
| 155 | To provide for administration expenses of the Fisheries Prices Support Act, 1944..... | 72,380 | |
| 156 | To provide for assistance in the construction of vessels of the dragger and/or long liner type, subject to such terms and conditions as may be approved by the Governor in Council. | 150,000 | |
| 157 | To provide for assistance in the construction of bait freezing and storage facilities, subject to the regulations established by the Governor in Council..... | 75,000 | |
| | GOVERNOR GENERAL AND LIEUTENANT- GOVERNORS | | 9,650,016 |
| 158 | Office of the Secretary to the Governor General, including the salary of the Secretary to the Governor General (Ad- ministrative) at \$7,600 additional to salary authorized by Chap. 182, R.S. 1927..... | 177,062 | |
| 159 | To authorize and provide for the reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as follows: (a) where the population of the province at the last decen- nial census did not exceed 500,000, \$5,000; (b) where the population of the province at the last decen- nial census exceeded 500,000, \$5,000 plus \$1,000 per each 100,000 or fraction of 100,000 of population over 500,000, but not exceeding \$12,000 in any case..... | 86,000 | |
| | | | 263,032 |

SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | INSURANCE | | |
| 160 | Departmental Administration..... | 461,721 | |
| 161 | Expenses of work in the interests of Fire Prevention..... | 61,820 | 523,541 |
| | | | |
| | JUSTICE | | |
| | A—DEPARTMENT | | |
| 162 | Departmental Administration..... | 391,601 | |
| 163 | Remission Service..... | 113,176 | |
| 164 | Administration of Justice—Miscellaneous Expenditure, including expenses of litigated matters..... | 21,200 | |
| | Supreme Court of Canada— Administration..... | 180,137 | |
| | Exchequer Court of Canada— Administration..... | 100,925 | |
| | Yukon Territorial Court— Administration..... | 13,675 | |
| 168 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 6,000 | |
| 169 | Payments of gratuities to the widows or other dependents of judges who die while in office..... | 20,000 | |
| | Combines Investigation Act— Restrictive Trade Practices Commission..... | 82,150 | |
| 170 | Office for Investigation and Research..... | 279,059 | |
| 172 | Bankruptcy Act Administration..... | 37,525 | |
| 173 | Northwest Territories—Administration of Justice..... | 62,460 | |
| 174 | Yukon Territory—Administration of Justice..... | 59,830 | |
| | | | |
| | GENERAL | | |
| 175 | To provide for the Revision, Classification and Consolidation of the Public General Statutes of Canada..... | 104,395 | |
| | | | |
| | B—PENITENTIARIES | | |
| 176 | Administration of the Office of the Commissioner of Peni- tentiaries, including \$35,000 for Grants to Recognized Prisoners' Aid Societies, as may be approved by the Governor in Council..... | 346,452 | |
| 177 | Operation and maintenance of Penitentiaries, including supplies and services relating thereto; administration, operation, repair and upkeep of buildings, works and equipment; maintenance, discharge and transfer of inmates; compensa- tion to discharged inmates permanently disabled while in penitentiaries..... | \$,218,403 | |
| 178 | Construction, Improvements and New Equipment, including provision for the establishment and construction of a new institution in the Province of Quebec for the confinement and reformation of Federal prisoners..... | 1,315,724 | 11,352,712 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-------|
| | | \$ | \$ |
| | LABOUR | | |
| | A—DEPARTMENT | | |
| | GENERAL ADMINISTRATION | | |
| 179 | Departmental Administration..... | 613,375 | |
| 180 | To provide for expenses of the Economics and Research Branch..... | 478,200 | |
| 181 | Annuities Act—Administration..... | 916,085 | |
| 182 | Fair Wages, Conciliation, Industrial Relations, Industrial Disputes Investigations, including the administration of legislation relating thereto, and for activities re promotion of co-operation in industry between Labour and Management..... | 446,627 | |
| 183 | Canada Labour Relations Board..... | 5,375 | |
| 184 | International Labour Conferences..... | 61,220 | |
| 185 | Labour Gazette, authorized by Labour Department Act..... | 136,183 | |
| 186 | To provide for the effective organization and use of agricultural manpower, including recruiting, transporting and placing workers on farms and related industries and assistance to the Provinces pursuant to agreements that may be entered into by the Minister of Labour with the Provinces and approved by the Governor in Council..... | 345,000 | |
| 187 | To provide for investigations and inspection work in relation to working conditions in industries where the Federal Government has exclusive responsibility..... | 10,000 | |
| 188 | To provide for expenses of a Women's Bureau..... | 21,560 | |
| | VOCATIONAL TRAINING CO-ORDINATION | | |
| 189 | Administration..... | 59,062 | |
| | To provide for carrying out the purposes of the Vocational Training Co-ordination Act, 1942, and agreements made thereunder; to authorize the Minister of Labour to enter into agreements with any Province on terms approved by the Governor in Council for the training of persons to fit them for defence industries, the training of members of Her Majesty's Forces and other persons to fit them for skilled armed services occupations and training under youth training projects and to provide for the expenditures thereunder and under vocational training agreements entered into in previous years— | | |
| 190 | Training Payments to the Provinces..... | 4,205,800 | |
| 191 | Payments to the Provinces for Capital Expenditures for vocational schools, buildings and equipment.... | 400,000 | |
| | GOVERNMENT EMPLOYEES COMPENSATION | | |
| 192 | Administration of the Government Employees Compensation Act..... | 59,276 | |
| | TERMINABLE SERVICES | | |
| 193 | To provide for expenditures incurred in implementing recommendations of the National Advisory Council on Manpower, and for the administrative costs of the Council..... | 66,780 | |
| 194 | To provide for payment to the National Film Board for educational films for exhibition..... | 24,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | LABOUR—Concluded | | |
| | A—DEPARTMENT—Concluded | | |
| | TERMINABLE SERVICES—Concluded | | |
| 195 | To provide for expenses that may be incurred in the arranging for and the movement of workers from outside Canada to work on farms and other essential industry in Canada when Canadian labour is not available to meet the need, including costs connected with the supervision and welfare of persons already immigrated to Canada; administrative expenses connected therewith and to provide for expenditures under agreements with the Provinces authorized by the Governor in Council..... | 993,832 | |
| 196 | To provide for payments to implement a program for the rehabilitation of disabled persons, in accordance with terms and conditions approved by the Governor in Council, and administrative expenses connected therewith..... | 195,333 | |
| | B—UNEMPLOYMENT INSURANCE ACT, 1940 | | |
| 197 | Administration, including expenditures incurred in connection with the activities of the National Employment Service as delegated by the Minister of Labour in accordance with Section 88 of the Act..... | 25,895,106 | |
| 198 | Government's Contribution to the Unemployment Insurance Fund..... | 32,000,000 | |
| 199 | To provide for the transfer of labour to and from places where employment is available and expenses incidental thereto, in accordance with regulations of the Governor in Council.. | 75,000 | |
| | | | 67,007,814 |
| | LEGISLATION | | |
| | THE SENATE | | |
| 200 | The Speaker of the Senate— | | |
| 201 | Allowance in lieu of Residence..... | 3,000 | |
| | General Administration..... | 416,469 | |
| | HOUSE OF COMMONS | | |
| 202 | The Speaker of the House of Commons— | | |
| | Allowance in lieu of Residence..... | 3,000 | |
| | Deputy Speaker of the House of Commons— | | |
| 203 | Allowance in lieu of Apartments..... | 1,500 | |
| 204 | General Administration—Estimates of the Clerk..... | 1,075,983 | |
| 205 | Estimates of the Sergeant-at-Arms..... | 667,620 | |
| 206 | Subscriptions to Publications of the Commonwealth Parliamentary Association to be distributed to Members of the House of Commons, and to provide for the Canadian share of expenses of the Commonwealth Parliamentary Association..... | 10,000 | |
| 207 | To provide hereby, notwithstanding anything contained in The Financial Administration Act or the provisions of the Senate and House of Commons Act respecting the Independence of Parliament, for the payment out of the Consolidated Revenue Fund to each Member of the House of Commons appointed by the Governor in Council to be a Parliamentary Assistant (which appointment shall not render such Member ineligible or disqualify him as a Member of the House of Commons) to assist a Minister of the Crown in such manner | | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | LEGISLATION— <i>Concluded</i> | \$ | \$ |
| | HOUSE OF COMMONS— <i>Concluded</i> | | |
| | To provide hereby— <i>Concluded</i> and to such extent as the Minister may determine and to represent his Department in the House of Commons in the absence of the Minister therefrom, a salary of four thousand dollars per annum and pro rata for any period less than a year..... | 56,000 | |
| 208 | To provide for an allowance to the Deputy Chairman of Com- mittees..... | 2,000 | |
| | GENERAL | | |
| 209 | Printing of Parliament, including salaries of staff of the Joint Distribution Office..... | 270,954 | |
| | LIBRARY OF PARLIAMENT | | |
| 210 | General Administration..... | 204,603 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 211 | Pension to the unmarried sister of the late Colonel Harry Baker, M.P..... | 700 | 2,711,834 |
| | MINES AND TECHNICAL SURVEYS | | |
| | A—DEPARTMENT | | |
| | ADMINISTRATION SERVICES | | |
| 212 | Departmental Administration..... | 420,566 | |
| | EXPLOSIVES ACT ADMINISTRATION | | |
| 213 | Explosives Act—Administration, Operation and Maintenance.. | 87,781 | |
| | MINES BRANCH | | |
| 214 | Mines Branch Administration..... | 75,467 | |
| | Mineral Resources Investigations— | | |
| 215 | Administration, Operation and Maintenance..... | 1,962,603 | |
| 216 | Construction or Acquisition of New Equipment..... | 176,600 | |
| | Investigations of Radioactive Ores— | | |
| 217 | Administration, Operation and Maintenance..... | 289,909 | |
| 218 | Construction or Acquisition of New Equipment..... | 42,650 | |
| 219 | To provide for payments to McGill University in connection with the development of a Coal-Fired Gas Turbine..... | 100,000 | |
| | GEOLOGICAL SURVEY OF CANADA | | |
| | Geological Surveys— | | |
| 220 | Administration, Operation and Maintenance, including the expenses of the National Advisory Committee on Research in the Geological Sciences, and an amount of \$1,800 for Canada's share of the cost of the Committee on Mineral Resources and Geology, London, England... | 1,938,622 | |
| 221 | Construction or Acquisition of New Equipment..... | 102,500 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|------------|
| | | \$ | \$ |
| | MINES AND TECHNICAL SURVEYS—Concluded | | |
| | A—DEPARTMENT—Concluded | | |
| | SURVEYS AND MAPPING BRANCH | | |
| 222 | Surveys and Mapping Branch Administration..... | 45,214 | |
| | Topographical Surveys, including expenses of the Canadian Board on Geographical Names— | | |
| 223 | Administration, Operation and Maintenance..... | 1,435,114 | |
| 224 | Construction or Acquisition of New Equipment..... | 95,000 | |
| | Canadian Hydrographic Service— | | |
| 225 | Administration, Operation and Maintenance, including Canada's Annual Contribution of \$5,750 to the International Hydrographic Bureau..... | 2,389,576 | |
| 226 | Construction or Acquisition of New Equipment..... | 149,805 | |
| | Geodetic Survey of Canada— | | |
| 227 | Administration, Operation and Maintenance..... | 545,896 | |
| 228 | Construction or Acquisition of New Equipment..... | 236,850 | |
| 229 | International Boundary Commission—Administration, Operation and Maintenance..... | 66,790 | |
| 230 | Legal Surveys and Aeronautical Charts—Administration, Operation and Maintenance, including a Grant of \$350 to the Canadian Institute of Surveying and Photogrammetry and the expenses of the Board of Examiners for Dominion Land Surveyors and payment of fees of B. W. Waugh, J. E. Lilly and J. E. R. Ross, members of the Board, and A. W. Cole, Secretary of the Board..... | 729,142 | |
| | Map Compilation and Reproduction— | | |
| 231 | Administration, Operation and Maintenance..... | 677,970 | |
| 232 | Construction or Acquisition of New Equipment..... | 21,325 | |
| | GEOGRAPHICAL BRANCH | | |
| 233 | Geographical Branch—Administration, Operation and Maintenance..... | 260,368 | |
| | DOMINION OBSERVATORIES | | |
| | Dominion Observatory, Ottawa and Field Stations— | | |
| 234 | Administration, Operation and Maintenance, including membership fee of \$500 to the International Astronomical Union..... | 415,557 | |
| 235 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 102,500 | |
| 236 | Dominion Astrophysical Observatory, Victoria, B.C.—Administration, Operation and Maintenance..... | 108,981 | |
| | GENERAL | | |
| 237 | Payments to Royal Canadian Air Force and Commercial Companies for Air Photography, and to defray the expenses of and the purchase of equipment by the Interdepartmental Committee on Air Surveys..... | 1,100,000 | |
| 238 | Provincial and Territorial Boundary Surveys—Administration, Operation and Maintenance..... | 48,924 | |
| | B—DOMINION COAL BOARD | | |
| 239 | Administration and Investigations of the Dominion Coal Board..... | 106,991 | |
| 240 | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council..... | 6,078,300 | |
| | | | 19,811,001 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------------|---------------|
| | | \$ | \$ |
| | NATIONAL DEFENCE | | |
| | DEFENCE SERVICES | | |
| 241 | To provide for the Canadian Forces, the Defence Research Board and other expenditures relating to defence, including contributions toward the military costs of the North Atlantic Treaty Organization; to authorize expenditures in the current year out of the amount hereby provided, not exceeding \$324,000,000, under the provisions of Section 3 of the Defence Appropriation Act, 1950, and to provide that, notwithstanding subsection 3 of that Section, where equipment or supplies acquired by the Canadian Forces after March 31, 1950, are transferred, the estimated present value thereof shall, if the Governor in Council so directs, be credited to this vote instead of being paid into the special account mentioned in the said subsection 3, and when so credited may be expended for the purposes of the Canadian Forces; and notwithstanding Section 30 of The Financial Administration Act to authorize total commitments for the foregoing purposes of \$3,994,895,578 regardless of the year in which such commitments will come in course of payment (of which it is estimated that \$1,971,926,275 will come due for payment in future years)..... | 1,960,159,633 | |
| | GENERAL SERVICES | | |
| 242 | Grants to Military Associations, Institutes and Others, as detailed in the Estimates..... | 227,325 | |
| 243 | War Museum..... | 22,878 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 244 | Civil Pensions, as detailed in the Estimates..... | 2,977 | |
| 245 | To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payment to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations..... | 3,393 | |
| 246 | Defence Services Pension Act— Government's contribution to the Permanent Services Pension Account..... | 35,252,291 | 1,995,668,500 |
| | NATIONAL FILM BOARD | | |
| 247 | Administration, Production and Distribution of Films and Other Visual Materials..... | 2,883,650 | |
| 248 | Acquisition of Equipment..... | 114,000 | 2,997,650 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------|
| | | \$ | \$ |
| | NATIONAL HEALTH AND WELFARE | | |
| | A—DEPARTMENT | | |
| 249 | Departmental Administration..... | 1,001,677 | |
| | NATIONAL HEALTH BRANCH | | |
| | Health Services | | |
| 250 | National Health Branch— | | |
| | Administration..... | 139,748 | |
| 251 | Administration of the Quarantine and Leprosy Acts..... | 338,736 | |
| 252 | Immigration Medical Services..... | 1,176,009 | |
| 253 | Sick Mariners Treatment Services..... | 622,723 | |
| 254 | Grants to Institutions Assisting Sailors, in the amounts detailed in the Estimates..... | 2,400 | |
| | Laboratory of Hygiene— | | |
| 255 | Operation and Maintenance..... | 436,764 | |
| 256 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 709,000 | |
| 257 | Public Health Engineering..... | 172,001 | |
| 258 | Occupational Health (formerly Industrial Health)..... | 221,514 | |
| 259 | Civil Service Health..... | 264,351 | |
| 260 | Epidemiology..... | 88,580 | |
| 261 | Administration of the Food and Drugs and the Proprietary or Patent Medicines Acts..... | 1,016,884 | |
| 262 | Administration of the Opium and Narcotic Drugs Act..... | 157,773 | |
| | Indians and Eskimos Health Services— | | |
| 263 | Operation and Maintenance..... | 13,567,830 | |
| 264 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 1,130,700 | |
| 265 | Special Technical Services..... | 432,281 | |
| 266 | Health Insurance Studies and Administration of the General Health Grants..... | 86,694 | |
| | General Health Grants | | |
| 267 | To authorize and provide for General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding Section 30 of The Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$48,503,826..... | 30,000,000 | |
| | Grants to Health Organizations | | |
| 268 | Canadian Mental Health Association..... | 10,000 | |
| 269 | Health League of Canada..... | 10,000 | |
| 270 | Canadian Public Health Association..... | 5,000 | |
| 271 | Canadian National Institute for the Blind..... | 45,000 | |
| 272 | L'Association Canadienne Francaise des Aveugles..... | 6,000 | |
| 273 | L'Institut Nazareth de Montreal..... | 4,050 | |
| 274 | Montreal Association for the Blind..... | 4,050 | |
| 275 | Canadian Tuberculosis Association..... | 20,250 | |
| 276 | Victorian Order of Nurses..... | 13,100 | |
| 277 | St. John Ambulance Association..... | 10,000 | |
| 278 | Canadian Red Cross..... | 10,000 | |
| 279 | Canadian Paraplegic Association..... | 15,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|------------|
| | | \$ | \$ |
| | NATIONAL HEALTH AND WELFARE—Concluded | | |
| | A—DEPARTMENT—Concluded | | |
| | WELFARE BRANCH | | |
| 280 | Welfare Branch Administration..... | 32,785 | |
| | Family Allowances and Old Age Security— | | |
| 281 | Administration..... | 2,494,548 | |
| | Old Age Assistance and Blind Persons Allowances— | | |
| 282 | Administration of the Old Age Assistance and Blind Persons Allowances Acts..... | 108,893 | |
| | National Physical Fitness Act— | | |
| 283 | To provide for the administration of the Act, the sum hereby provided, notwithstanding Sections 8 and 9 of the said Act, to be credited to a separate account in the Consolidated Revenue Fund, to be subject to Section 35 of The Financial Administration Act and to be paid out by the Minister of Finance upon the requisition of the Minister of National Health and Welfare..... | 68,824 | |
| 284 | Assistance to Provinces..... | 150,000 | |
| 285 | Grant to Canadian Welfare Council..... | 25,000 | |
| 286 | Grant to Canadian Conference on Social Work..... | 1,000 | |
| | B—CIVIL DEFENCE | | |
| 287 | To provide for the Civil Defence Program..... | 6,506,287 | 61,105,452 |
| | NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD | | |
| | NATIONAL RESEARCH COUNCIL | | |
| 288 | Salaries and Other Expenses..... | 13,536,529 | |
| 289 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 2,906,235 | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| 290 | Administration Expenses of the Atomic Energy Control Board. | 59,240 | |
| 291 | Grants for Researches and Investigations with respect to Atomic Energy..... | 300,000 | |
| | Atomic Energy of Canada Limited (Research Program)— | | |
| 292 | Current Operation and Maintenance..... | 8,437,438 | |
| 293 | Construction or Acquisition of Buildings, Works, Land and New Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works at Deep River for Atomic Energy of Canada Limited..... | 3,670,210 | 28,909,652 |
| | NATIONAL REVENUE | | |
| | CUSTOMS AND EXCISE DIVISIONS | | |
| 294 | General Administration..... | 2,177,924 | |
| 295 | Inspection, Investigation and Audit Services..... | 3,031,861 | |
| | Ports, Outports and Preventive Stations— | | |
| 296 | Operation and Maintenance..... | 20,266,031 | |
| 297 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 1,136,400 | |
| 298 | Customs Excise Seizure Expenses and Adjustments..... | 206,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | NATIONAL REVENUE—Concluded | | |
| | TAXATION DIVISION | | |
| 299 | General Administration..... | 2,491,778 | |
| 300 | District Offices..... | 20,935,491 | |
| | INCOME TAX APPEAL BOARD | | |
| 301 | Administration Expenses..... | 71,220 | 50,316,705 |
| | POST OFFICE | | |
| 302 | Departmental Administration..... | 1,159,011 | |
| 303 | Operations—Including salaries and other expenses of Staff Post Offices, District Offices, Railway Mail Service Staffs, and supplies, equipment and other items for Revenue Post Offices, also including Administration..... | 64,155,723 | |
| 304 | Transportation—Movement of Mail by Land, Air and Water, including Administration..... | 43,110,948 | |
| 305 | Financial Services, including audit of revenue, money order and savings bank business; and postage stamps..... | 2,456,306 | 110,881,988 |
| | PRIVY COUNCIL | | |
| | PRIVY COUNCIL OFFICE | | |
| 306 | General Administration..... | 351,802 | |
| | PRIME MINISTER'S RESIDENCE | | |
| 307 | Maintenance and Operation..... | 25,000 | |
| | FEDERAL DISTRICT COMMISSION | | |
| 308 | To provide for maintenance and improvement of grounds ad- joining Government Buildings at Ottawa, and to authorize an amount not exceeding \$135,500 for construction, improve- ments, maintenance and operation of the Parkway System under the control of the Federal District Commission which is additional to the sum of \$300,000 granted by Chap. 55, Statutes of 1927, as amended..... | 433,500 | |
| 309 | Expenses of the National Capital Planning Committee..... | 44,000 | |
| 310 | To authorize payment of the sixth instalment to a special account in the Consolidated Revenue Fund, known as the National Capital Fund, established under Vote No. 809, Appropriation Act, No. 4, 1947-48..... | 2,500,000 | 3,354,302 |
| | PUBLIC ARCHIVES | | |
| | A—DEPARTMENT | | |
| 311 | General Administration and Technical Services..... | 282,204 | |
| | B—BIBLIOGRAPHIC CENTRE | | |
| 312 | Bibliographic Centre (National Library)..... | 76,608 | 358,812 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-----------|
| | | \$ | \$ |
| | PUBLIC PRINTING AND STATIONERY | | |
| 313 | Departmental Administration..... | 497,818 | |
| 314 | Stationery Branch—Operation of Stationery Stores..... | 426,518 | |
| 315 | Printing and Binding the Annual Statutes..... | 40,000 | |
| 316 | Canada Gazette..... | 120,000 | |
| 317 | Plant Equipment and Replacements..... | 341,518 | |
| 318 | Distribution of Official Documents..... | 207,839 | |
| 319 | Printing and Binding Official Publications for sale and distribution to Departments and the Public..... | 430,000 | |
| | | | 2,063,693 |
| | PUBLIC WORKS | | |
| 320 | Departmental Administration..... | 671,905 | |
| | ARCHITECTURAL BRANCH | | |
| 321 | Branch Administration..... | 514,539 | |
| 322 | Ottawa—Maintenance and Operation of Public Buildings and Grounds, including repairs and upkeep, rents, furnishings, heating, etc., and to authorize commitments against future years in the amount of \$500,000..... | 13,588,361 | |
| 323 | Maintenance and Operation of Public Buildings and Grounds, other than at Ottawa, including repairs and upkeep, rents, furnishings, heating, etc., and to authorize commitments against future years in the amount of \$800,000..... | 18,998,865 | |
| | Acquisition, Construction and Improvements of Public Buildings | | |
| | Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— | | |
| 324 | Newfoundland..... | 550,000 | |
| 325 | Nova Scotia..... | 1,200,000 | |
| 326 | Prince Edward Island..... | 235,000 | |
| 327 | New Brunswick..... | 1,215,000 | |
| 328 | Quebec..... | 9,440,000 | |
| 329 | Ottawa..... | 7,000,000 | |
| 330 | Ontario (other than Ottawa)..... | 10,500,000 | |
| 331 | Manitoba..... | 1,450,000 | |
| 332 | Saskatchewan..... | 2,400,000 | |
| 333 | Alberta..... | 2,300,000 | |
| 334 | British Columbia..... | 3,850,000 | |
| 335 | Yukon and Northwest Territories..... | 1,000,000 | |
| 336 | Unforeseen Improvements..... | 1,200,000 | |
| | ENGINEERING BRANCH | | |
| 337 | Branch Administration..... | 526,822 | |
| 338 | Engineering Services— | | |
| 339 | Salaries, Surveys, Inspections, etc..... | 1,719,701 | |
| | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 110,850 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-------|
| | | \$ | \$ |
| | PUBLIC WORKS—Continued | | |
| | ENGINEERING BRANCH—Concluded | | |
| | Dredging (including Snagboats) | | |
| 340 | Maintenance and Operation of Plant and Contract and Day Labour Works..... | 3,332,175 | |
| 341 | New Plant and Equipment..... | 1,726,300 | |
| | Graving Docks | | |
| 342 | Maintenance and Operation..... | 386,794 | |
| 343 | Prince Rupert Dry Dock and Shipyard and appurtenant works— To provide for operating losses and essential repairs for the fiscal year 1953-54..... | 110,000 | |
| | Locks and Dams | | |
| 344 | Maintenance and Operation..... | 267,009 | |
| | Roads and Bridges | | |
| 345 | Maintenance and Operation..... | 386,936 | |
| 346 | Towards International Bridge over the St. Croix River between St. Stephen, New Brunswick, and Calais, Maine, the State of Maine to pay a like amount (Revote \$10,000)..... | 125,000 | |
| 347 | Towards construction of spans of bridge over the Interprovincial channel of the Ottawa River between Pembroke, Ontario, and Allumette Island, Quebec (Revote \$50,000)..... | 200,000 | |
| | Acquisition, Construction and Improvements of Harbour and River Works | | |
| | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects— | | |
| 348 | Newfoundland..... | 1,600,000 | |
| 349 | Nova Scotia..... | 5,000,000 | |
| 350 | Prince Edward Island..... | 1,800,000 | |
| 351 | New Brunswick..... | 2,500,000 | |
| 352 | Quebec..... | 6,000,000 | |
| 353 | Ontario..... | 7,346,000 | |
| 354 | Manitoba..... | 76,000 | |
| 355 | Saskatchewan, Alberta and Northwest Territories..... | 178,000 | |
| 356 | British Columbia and Yukon..... | 6,000,000 | |
| | Harbours and Rivers Generally | | |
| 357 | Repairs and Upkeep for the maintenance of services, including reconstruction and replacements, and to authorize commit- ments against future years in the total amount of \$420,000, no new works to be undertaken..... | 3,535,000 | |
| | Generally | | |
| 358 | Fraser River—50% of the cost of investigations to be carried out by the "Dominion Provincial Board Fraser River Basin".... | 137,500 | |
| 359 | Protection Works Generally..... | 1,000,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-------------|
| | | \$ | \$ |
| | PUBLIC WORKS— <i>Concluded</i> | | |
| | GENERAL | | |
| 360 | Miscellaneous works not otherwise provided for, not more than \$10,000 to be expended upon any one work..... | 590,000 | |
| 361 | National Capital Planning Service..... | 52,226 | |
| 362 | To supplement, on approval of Treasury Board except where less than \$1,000 is required, any of the appropriations of the Department of Public Works..... | 400,000 | |
| 363 | To provide for balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1953-54..... | 400,000 | 121,619,983 |
| | RESOURCES AND DEVELOPMENT | | |
| 364 | Departmental Administration..... | 399,090 | |
| | NATIONAL PARKS BRANCH | | |
| 365 | Branch Administration..... | 23,392 | |
| | National Parks and Historic Sites Services— | | |
| 366 | Administration, Operation and Maintenance..... | 3,957,609 | |
| 367 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 2,898,745 | |
| 368 | Grant to the Jack Miner Migratory Bird Foundation..... | 5,000 | |
| 369 | Grant in aid of the development of the International Peace Garden in Manitoba..... | 10,000 | |
| 370 | Special grant to the Antiquarian and Numismatic Society to help defray costs of urgent work for the restoration and preservation of the Chateau de Ramesay, Montreal..... | 40,000 | |
| 371 | National Battlefields Commission—To provide for special works at Cove Fields, Quebec..... | 5,000 | |
| 372 | Canadian Wildlife Service—Wildlife Resources Conservation and Development, including Administration of the Migratory Birds Convention Act—Administration, Operation and Maintenance..... | 339,308 | |
| 373 | National Museum of Canada—Administration, Operation and Maintenance..... | 267,692 | |
| | ENGINEERING AND WATER RESOURCES BRANCH | | |
| 374 | Branch Administration..... | 55,526 | |
| | Water Resources Division— | | |
| | Water Resources Division, including the Administration of the Dominion Water Power and Irrigation Acts— | | |
| 375 | Administration, Operation and Maintenance including Grant of \$350 to the International Executive Council, World Power Conference.. | 601,670 | |
| 376 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 41,620 | |
| 377 | To provide for studies and surveys of the Columbia River Watershed in Canada..... | 373,300 | |
| 378 | To provide for studies and surveys of the Saint John River Watershed in Canada..... | 30,705 | |
| 379 | Lake of the Woods Control Board..... | 15,270 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-------|
| | | \$ | \$ |
| | RESOURCES AND DEVELOPMENT—Continued | | |
| | ENGINEERING AND WATER RESOURCES BRANCH—Concluded | | |
| | Water Resources Division—Concluded | | |
| 380 | To provide for the expenses incurred under the agreement between Canada, Ontario and Manitoba, confirmed by the Lac Seul Conservation Act, 1928, moneys expended to be largely reimbursed..... | 18,390 | |
| | Engineering and Architectural Division— | | |
| 381 | Administration, Operation and Maintenance..... | 479,929 | |
| 382 | To provide, subject to allocation by Treasury Board, for the design and planning of deferrable projects, the acquisition of sites and the initiation of construction... | 200,000 | |
| | Trans-Canada Highway Division— | | |
| 383 | Administration, Operation and Maintenance..... | 455,601 | |
| 384 | To provide for surveys and construction of the Trans-Canada Highway through National Parks..... | 1,000,000 | |
| 385 | To provide for general investigations by the Northwest Territories Power Commission of the electric power requirements of settlements and industries in the Northwest Territories and the Yukon Territory (Revote)..... | 1,000 | |
| | NORTHERN ADMINISTRATION AND LANDS BRANCH | | |
| 386 | Branch Administration..... | 104,100 | |
| 387 | Lands Division—Administration of Territorial and Public Lands; Seed Grain Collections..... | 312,849 | |
| | Northern Administration Division— | | |
| 388 | Administration, including Grants of \$5,000 each to the Canadian Handicraft Guild and the Arctic Institute of North America..... | 194,495 | |
| | Northwest Territories, including Wood Buffalo Park and Eskimo Affairs— | | |
| 389 | Operation and Maintenance..... | 843,864 | |
| 390 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 283,900 | |
| | Forest Conservation and Wildlife Management, including Wood Buffalo Park— | | |
| 391 | Operation and Maintenance..... | 417,176 | |
| 392 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 125,060 | |
| | Yukon Territory, including Forest Conservation— | | |
| 393 | Operation and Maintenance..... | 527,547 | |
| 394 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 143,995 | |
| | FORESTRY BRANCH | | |
| 395 | Branch Administration..... | 104,770 | |
| | Forest Research Division— | | |
| 396 | Operation and Maintenance..... | 900,975 | |
| 397 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 47,715 | |
| | Forestry Operations Division— | | |
| 398 | Administration, Operation and Maintenance..... | 98,530 | |
| 399 | To provide for contributions to the Provinces for assistance in forest inventory and reforestation in accordance with agreements that have been or may be entered into by Canada and the Provinces..... | 1,225,000 | |
| 400 | To provide for a contribution to the Province of New Brunswick for assistance in a program designed to combat the spruce budworm infestation, in accordance with an agreement to be entered into by Canada and the Province..... | 1,000,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|------------|
| | | \$ | \$ |
| | RESOURCES AND DEVELOPMENT—Concluded | | |
| | FORESTRY BRANCH—Concluded | | |
| | Forest Products Laboratories Division— | | |
| 401 | Operation and Maintenance..... | 525,984 | |
| 402 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 39,655 | |
| 403 | Grant to Canadian Forestry Association..... | 6,000 | |
| 404 | Grant to Pulp and Paper Research Institute of Canada.... | 100,000 | |
| 405 | Eastern Rockies Forest Conservation Board— Salaries and expenses of Federal members of the Board..... | 12,350 | |
| | CANADIAN GOVERNMENT TRAVEL BUREAU | | |
| 406 | To assist in promoting the Tourist Business in Canada..... | 1,528,450 | |
| | GENERAL | | |
| 407 | Emergency Shelter Administration..... | 35,000 | |
| 408 | To provide for the expenses incurred by Central Mortgage and Housing Corporation in constructing and supervising con- struction of married quarters, schools and related services on behalf of the Department of National Defence..... | 700,000 | 20,496,162 |
| | ROYAL CANADIAN MOUNTED POLICE | | |
| 409 | General Administration..... | 376,144 | |
| | Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses— | | |
| 410 | Operation and Maintenance..... | 26,398,424 | |
| 411 | Construction or Acquisition of Buildings, Works, Land and New Equipment and to authorize commitments against future years in the amount of \$720,000..... | 5,119,676 | |
| | Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses— | | |
| 412 | Operation and Maintenance..... | 1,228,532 | |
| 413 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 294,500 | |
| | Aviation Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses— | | |
| 414 | Operation and Maintenance..... | 307,418 | |
| 415 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 59,300 | |
| 416 | Grant to the Chief Constables' Association of Canada..... | 500 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 417 | Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the Estimates.... | 6,863 | |
| 418 | Pension to Basil Burke Currie..... | 685 | |
| | | | 33,792,042 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | SECRETARY OF STATE | | |
| 419 | Departmental Administration..... | 216,964 | |
| 420 | Companies Branch..... | 84,655 | |
| 421 | Trade Marks Branch, including a contribution of \$2,400 to the International Office for the Protection of Industrial Property | 91,182 | |
| 422 | Bureau for Translations..... | 979,583 | |
| | PATENT AND COPYRIGHT OFFICE | | |
| 423 | Administration Division..... | 76,462 | |
| 424 | Patent Division..... | 854,456 | |
| 425 | Copyright and Industrial Designs Division, including a contribu- tion of \$2,100 to the Union Office for the Protection of Literary and Artistic Works..... | 20,438 | 2,323,740 |
| | TRADE AND COMMERCE | | |
| | GENERAL ADMINISTRATION | | |
| 426 | Departmental Administration..... | 588,333 | |
| 427 | Commodities Services (including the former Wheat and Grain Division) including contributions as detailed in the Esti- mates..... | 617,872 | |
| 428 | Trade Commissioner Service..... | 2,522,696 | |
| 429 | Information Branch..... | 177,218 | |
| 430 | Economics Branch..... | 156,884 | |
| 431 | International Trade Relations Branch, including contribution of \$6,300 to the International Customs Tariffs Bureau..... | 140,370 | |
| | EXHIBITIONS | | |
| 432 | Exhibitions generally..... | 286,503 | |
| 433 | Canadian International Trade Fair, including authority to refund, from revenue, deposits received for contracts for space..... | 830,000 | |
| | STANDARDS BRANCH | | |
| 434 | Administration, including the Standards Laboratory and administration of the Precious Metals Marking Act..... | 180,910 | |
| 435 | Electricity and Gas Inspection Services..... | 598,391 | |
| 436 | Weights and Measures Inspection Services..... | 726,281 | |
| | DOMINION BUREAU OF STATISTICS | | |
| 437 | Administration..... | 180,974 | |
| 438 | Statistics, including a contribution of \$3,000 to the Inter-Ameri- can Statistical Institute..... | 4,473,525 | |
| 439 | Census, including 1951 Decennial Census..... | 879,414 | |
| | CANADA GRAIN ACT | | |
| | Board of Grain Commissioners— | | |
| 440 | Administration..... | 208,577 | |
| 441 | Operation and Maintenance Expenses..... | 3,292,600 | |
| 442 | Canadian Government Elevators— | | |
| | Operation and Maintenance Expenses..... | 1,345,467 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|------------|
| | | \$ | \$ |
| | TRADE AND COMMERCE—Concluded | | |
| | SPECIAL | | |
| 443 | International Economic and Technical Co-operation Branch, including the administration of the Colombo Plan and of certain United Nations co-operation plans..... | 97,758 | 17,303,723 |
| | | | |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| 444 | Departmental Administration..... | 1,368,375 | |
| | CANAL SERVICES | | |
| 445 | Administration..... | 121,640 | |
| 446 | Operation and Maintenance..... | 5,430,742 | |
| 447 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 3,330,260 | |
| 448 | To provide for expenses in connection with the St. Lawrence Ship Canal Surveys and Investigations..... | 300,000 | |
| | MARINE SERVICES | | |
| 449 | Marine Services Administration, including Agencies..... | 571,114 | |
| | Marine Service Steamers— | | |
| 450 | Administration..... | 99,423 | |
| 451 | Operation, Maintenance and Repairs..... | 5,318,741 | |
| 452 | Construction or Acquisition of Vessels and Equipment, as detailed in the Estimates—Capital..... | 1,180,000 | |
| | Aids to Navigation— | | |
| 453 | Administration, Operation and Maintenance..... | 4,910,899 | |
| 454 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 1,501,645 | |
| | Nautical Services— | | |
| 455 | Administration..... | 155,650 | |
| 456 | Operation and Maintenance, including grants and contributions, as detailed in the Estimates; rewards for saving life from vessels in distress; subsidies to salvage companies, and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen, as defined in Section 296 of the Canada Shipping Act..... | 330,764 | |
| | Pilotage Service— | | |
| 457 | Administration, Operation and Maintenance, including authority for temporary recoverable advances not exceeding \$20,000..... | 510,742 | |
| 458 | Contribution to the Halifax Pilots' Pension Fund..... | 56,000 | |
| 459 | Steamship Inspection, including the carrying out of the provisions of the conventions for the safety of life at sea and load lines, and a contribution of \$7,000 to the Province of Nova Scotia, Department of Education..... | 579,737 | |
| 460 | Marine Signal Service..... | 198,911 | |
| | River St. Lawrence Ship Channel Service— | | |
| 461 | Administration, Operation and Maintenance..... | 909,044 | |
| 462 | Contract Dredging—Capital..... | 2,500,000 | |
| 463 | Surveys and Investigations..... | 37,000 | |

SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|-------------------|---|------------|-------|
| | | \$ | \$ |
| | TRANSPORT— <i>Continued</i> | | |
| | A—DEPARTMENT— <i>Continued</i> | | |
| | RAILWAY AND STEAMSHIP SERVICES | | |
| 464 | Repairs and expenses in connection with the operation and maintenance of Official Railway Cars under the jurisdiction of the Department..... | 54,540 | |
| | Hudson Bay Railway— | | |
| 465 | To provide for the difference between the expenditures for operation and maintenance, and revenue accruing from operation during the year ending March 31, 1954, not exceeding..... | 365,000 | |
| 466 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital..... | 126,700 | |
| 467 | Prince Edward Island Car Ferry and Terminals— | | |
| | To provide for the payment during the fiscal year 1953-54 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport made from time to time by the National Company to the Minister of Finance and to be applied by the National Company in payment of the deficit (certified by the auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1953..... | 1,459,000 | |
| 468 | Strait of Canso—Transportation improvements and facilities—Capital..... | 6,700,000 | |
| 469 | Enlargement of Dock and Terminal Facilities at North Sydney, Nova Scotia—Capital..... | 599,000 | |
| 470 | Construction of New Dock and Terminal Facilities at Port-aux-Basques, Newfoundland—Capital..... | 2,269,675 | |
| 471 | To provide for the payment during the fiscal year 1953-54 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport made from time to time by the National Company to the Minister of Finance and to be applied by the National Company in the payment of the deficit (certified by the auditors of the National Company) in the operation of the North Sydney, Nova Scotia—Port-aux-Basques, Newfoundland, Ferry and Terminals arising in the calendar year 1953..... | 1,870,000 | |
| 472 | Construction or Acquisition of Auto-Ferry Vessels, as detailed in the Estimates—Capital..... | 6,368,000 | |
| 473 | Construction or Acquisition of Vessels for Newfoundland Coastal Services..... | 900,000 | |
| 474 | To provide towards the cost of surveys of Newfoundland Railway properties entrusted to the Canadian National Railway Company..... | 17,500 | |
| 475 | Degaussing and strengthening of sea-going merchant ships of Canadian registry of 1,000 gross tons and over..... | 500,000 | |
| 476 | Maritime Freight Rates Act— | | |
| | For the payment to the Railway Companies operating in the select territory designated by the Act, during the fiscal year 1953-54, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by auditors of the said Company respecting the Eastern Lines of the Canadian National Railways, and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1953 (Chap. 79, Statutes of 1927, as amended)..... | 10,453,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-------|
| | | \$ | \$ |
| | TRANSPORT—Continued | | |
| | A—DEPARTMENT—Continued | | |
| | PENSIONS AND OTHER BENEFITS | | |
| 477 | Amount required to pay pensions at the rate of \$300 per annum to former pilots: Arthur Baquet; Adelard Delisle; Raoul Lachance; Jules Lamarre; Wilhelm Langlois; George Larochelle; Auguste Santerre..... | 2,100 | |
| 478 | Railway Employees' Provident Fund—To supplement pension allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payment during the period January 1, 1953, to March 31, 1954, the sum of \$30 per month instead of \$20 as fixed by the said Act..... | 12,650 | |
| | AIR SERVICES | | |
| | Telecommunications Division | | |
| | Airways and Airports—Radio Aviation Services— | | |
| 479 | Administration, Operation and Maintenance..... | 5,416,530 | |
| 480 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital..... | 1,916,670 | |
| | Radio Act and Regulations— | | |
| 481 | Administration, Operation and Maintenance, including contributions as Canada's share of the administrative costs of various international radio, telegraph and telephone conferences, as detailed in the Estimates..... | 1,008,568 | |
| 482 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 226,500 | |
| | Radio Aids to Marine Navigation— | | |
| 483 | Administration, Operation and Maintenance..... | 2,066,965 | |
| 484 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 290,300 | |
| | Suppression of Radio Interferences— | | |
| 485 | Administration, Operation and Maintenance..... | 406,335 | |
| 486 | Construction or Acquisition of New Equipment..... | 31,600 | |
| 487 | Issue of Radio Receiving Licences (Transport Department only)..... | 127,148 | |
| | Telegraph and Telephone Service— | | |
| 488 | Administration, Operation and Maintenance..... | 1,566,380 | |
| 489 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 825,000 | |
| | Northwest Communication System— | | |
| 490 | To provide for the difference between the expenditures for operation and maintenance, and revenue accruing from operations during the year ending March 31, 1954..... | 208,550 | |
| 491 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital..... | 372,657 | |
| | Meteorological Division | | |
| 492 | Administration, Operation and Maintenance..... | 6,484,500 | |
| 493 | Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 472,200 | |
| | Civil Aviation Division | | |
| 494 | Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder..... | 886,506 | |
| | Airways and Airports— | | |
| | Operation and Maintenance— | | |
| 495 | Civil Aviation Services..... | 9,138,575 | |
| 496 | Airway and Airport Traffic Control..... | 1,533,192 | |

SCHEDULE A—*Continued*

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-------|
| | | \$ | \$ |
| | TRANSPORT— <i>Continued</i> | | |
| | A—DEPARTMENT— <i>Concluded</i> | | |
| | AIR SERVICES— <i>Concluded</i> | | |
| | Civil Aviation Division— <i>Concluded</i> | | |
| | Airways and Airports— <i>Concluded</i> | | |
| | Construction Services— | | |
| 497 | Administration..... | 768,162 | |
| 498 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital..... | 8,919,825 | |
| 499 | Grants to Organizations for the development of Civil Aviation, in the amounts detailed in the Estimates..... | 330,000 | |
| 500 | Contributions, subject to the approval of the Governor in Coun- cil, to assist municipalities in the development of and improvement to airports, the sites of which have been provided by such municipalities..... | 92,000 | |
| 501 | Contributions towards the development of landing facilities in mining areas, as detailed in the Estimates..... | 40,000 | |
| 502 | Contributions, as specified in the details of the Estimates, to other Governments or International Agencies for the oper- ation and maintenance of airports, air navigation and air- ways facilities, including authority to pay the amounts specified in the currencies of the countries indicated, not- withstanding that the payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of January, 1953, which is..... | 249,673 | |
| | Administrative Division | | |
| 503 | Air Services Administration..... | 230,734 | |
| | B—GENERAL | | |
| | AIR TRANSPORT BOARD | | |
| 504 | Salaries and Other Expenses, including the Canadian Dele- gation to the International Civil Aviation Organization..... | 259,674 | |
| 505 | Subventions for Air Carriers, as detailed in the Estimates..... | 25,000 | |
| | BOARD OF TRANSPORT COMMISSIONERS FOR CANADA | | |
| 506 | Administration, Operation and Maintenance..... | 839,390 | |
| | CANADIAN MARITIME COMMISSION | | |
| 507 | Administration..... | 154,090 | |
| 508 | Steamship Subventions for Coastal Services, as detailed in the Estimates..... | 4,038,125 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|-------------|
| | | \$ | \$ |
| | TRANSPORT—Concluded | | |
| | B—GENERAL—Concluded | | |
| | NATIONAL HARBOURS BOARD | | |
| 509 | Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1953 on any or all of the following accounts: Reconstruction and Capital Expenditures— Halifax.....\$2,031,500 Saint John.....2,830,000 Quebec.....1,419,000 Port Colborne.....30,000 Churchill.....185,000 Generally— Unforeseen and Miscellaneous.....200,000 \$6,695,500 Less—Amount to be expended from Re- placement Funds.....308,700 | 6,386,800 | |
| 510 | To provide for payment to National Harbours Board, of the amount hereinafter set forth, to be applied in payment of the deficit (exclusive of interest on Dominion Government Advances and depreciation on capital structures) arising in the calendar year 1953, in the operation of the Churchill Harbour..... | 122,911 | 116,542,412 |
| | VETERANS AFFAIRS | | |
| 511 | Departmental Administration..... | 2,130,643 | |
| 512 | District Services—Administration..... | 2,667,545 | |
| 513 | Veterans' Welfare Services..... | 3,178,042 | |
| | Treatment Services— | | |
| 514 | Operation of Hospitals and Administration..... | 37,565,335 | |
| 515 | Medical Research and Education..... | 350,000 | |
| 516 | Hospital Construction, Improvements, New Equipment and Acquisition of Land..... | 5,583,968 | |
| 517 | Prosthetic Services—Supply, Manufacture and Administration.. | 1,001,510 | |
| 518 | Veterans' Bureau..... | 509,152 | |
| 519 | War Veterans' Allowance Board—Administration..... | 141,335 | |
| 520 | Veterans' Insurance..... | 86,371 | |
| | WAR VETERANS' ALLOWANCES AND OTHER BENEFITS | | |
| 521 | War Veterans' Allowances..... | 26,373,000 | |
| 522 | Assistance Fund (War Veterans' Allowances)..... | 350,000 | |
| 523 | Unemployment Assistance..... | 20,000 | |
| 524 | Hospital and Other Allowances..... | 2,750,000 | |
| | MISCELLANEOUS PAYMENTS | | |
| 525 | To provide for payments to the Last Post Fund; for the payment under regulations of funeral and cemetery charges; for the cost and erection of headstones in Canada; for the Maintenance of departmental cemeteries; for the maintenance of Canadian Battlefields Memorials in France and Belgium and for Canada's share of the expenditures of the Imperial War Graves Commission..... | 1,674,430 | |
| 526 | Employers' Liability Compensation..... | 100,000 | |
| 527 | Grant to Canadian Legion..... | 9,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-------------|-------------|
| | | \$ | \$ |
| | VETERANS AFFAIRS— <i>Concluded</i> | | |
| | CANADIAN PENSION COMMISSION | | |
| 528 | Administration Expenses..... | 2,051,318 | |
| 529 | Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards..... | 127,054,000 | |
| 530 | Gallantry Awards—World War 2 and Special Force..... | 23,000 | |
| | SOLDIER SETTLEMENT AND VETERANS' LAND ACT | | |
| 531 | To provide for the cost of administration of Veterans' Land Act; Soldier Settlement and British Family Settlement..... | 4,651,087 | |
| 532 | To provide for the upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities..... | 80,500 | |
| 533 | To provide for the payment of grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under Section 35 of the Veterans' Land Act, 1942, as amended, and payment of grants to veterans settled on Dominion Lands, in accordance with an agreement with the Minister of Resources and Development under Section 35 of the Veterans' Land Act, 1942, as amended..... | 575,000 | |
| 534 | To provide for the payment of grants to Indian veterans settled on Indian Reserve Lands under Section 35A of the Veterans' Land Act, 1942, as amended..... | 175,000 | |
| 535 | To provide for the reduction of indebtedness to the Director of Soldier Settlement of a settler in respect of a property in his possession, the title of which is held by the Director, or such Soldier Settler Loans which are administered by the Indian Affairs Branch of the Department of Citizenship and Immigration, by an amount which will reduce his indebtedness to an amount in keeping with the productive capacity of the property or his ability to repay his indebtedness under regulations approved by the Governor in Council..... | 150,000 | |
| 536 | To authorize and provide, subject to the approval of the Governor in Council, for necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act to correct defects for which neither the veteran nor the contractor can be held financially responsible and for such other work on other properties as may be required to protect the interest of the Director therein..... | 7,500 | |
| 537 | To authorize and provide, subject to the approval of the Governor in Council in each case, for the completion of necessary remedial work to houses and services constructed under the 1945 building program..... | 5,000 | |
| | TERMINABLE SERVICES | | |
| 538 | Post Discharge Rehabilitation Benefits, including the training of Merchant Seamen and Salt Water Fishermen Pensioners.. | 1,858,000 | |
| | | | 221,120,736 |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | AGRICULTURE | | |
| 539 | To authorize and provide for the operation of a revolving fund in accordance with the provisions of Section 58 of The Financial Administration Act for the purpose of financing the purchase of stores for use in the construction, maintenance and operation of projects under the direction of the Prairie Farm Rehabilitation Administration; the amount to be charged to the revolving fund at any time not be exceed..... | 200,000 | |
| | CANADIAN BROADCASTING CORPORATION | | |
| 540 | Loans to the Canadian Broadcasting Corporation repayable with interest at a rate to be fixed by the Governor in Council on such terms and conditions as the Governor in Council may determine and to be applied in payment of expenditures, to cover capital costs of television installations and to support the development of the service. Such loans, with interest, shall be a charge on the revenues of the Canadian Broadcasting Corporation next after the charge imposed under the provisions of Section 17 of the Canadian Broadcasting Act, 1936..... | 4,750,000 | |
| | CENTRAL MORTGAGE AND HOUSING CORPORATION | | |
| 541 | To provide for advances to Central Mortgage and Housing Corporation for the purposes of subsection one of Section 34 of The National Housing Act, 1944, in respect of housing projects for veterans, and housing projects at Gander, Newfoundland, for sale or rental..... | 3,300,000 | |
| | FISHERIES | | |
| 542 | To authorize and provide for the operation of a revolving fund, in accordance with the provisions of Section 58 of The Financial Administration Act, for the purpose of financing the transportation, dressing and dyeing and other expenses incidental to receiving and disposing of fur seal skins accruing to Canada pursuant to Provisional Fur Seal Agreement between Canada and the United States by exchange of Notes dated December 8, 1942; December 19, 1942, and December 26, 1947; the amount to be charged to the revolving fund at any time not to exceed..... | 300,000 | |
| | JUSTICE | | |
| | Office of the Commissioner of Penitentiaries | | |
| 543 | To authorize and provide for the operation of a revolving fund in accordance with the provisions of Section 58 of The Financial Administration Act for the purpose of financing the operation of canteens in Federal Penitentiaries and to provide authority, notwithstanding subsection 5 of Section 58 of The Financial Administration Act, for the payment of such proportion of profits on such operations as the Treasury Board may allocate to the Prisoners' Welfare Fund; the amount to be charged to the revolving fund at any time not to exceed..... | 40,000 | |

SCHEDULE A—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES— <i>Continued</i> | | |
| | NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD | | |
| | <i>Atomic Energy of Canada Limited</i> | | |
| 544 | To provide for advances to Atomic Energy of Canada Limited in such amounts and on such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company) as the Governor in Council may approve, to finance the construction of a new reactor and auxiliary buildings at Chalk River, works to provide services in connection therewith, and housing and other works to be constructed at Deep River; and to authorize Central Mortgage and Housing Corporation to undertake construction of the said housing and other works at Deep River for Atomic Energy of Canada Limited | 7,111,980 | |
| 545 | To provide for Working Capital Advances to Atomic Energy of Canada Limited, subject to such terms and conditions as the Governor in Council may approve | 300,000 | |
| | RESOURCES AND DEVELOPMENT | | |
| 546 | To authorize and provide for a continuing special account in the Consolidated Revenue Fund, notwithstanding Section 35 of The Financial Administration Act, to be known as the Eskimo Loan Fund, from which loans or investments may be made to or in respect of individual Eskimos or groups of Eskimos to promote the commercial activities thereof under conditions fixed from time to time by the Treasury Board and to authorize the crediting to this special account of repayments by or in respect of such individual Eskimos or groups of Eskimos and the readvancing of such moneys; the excess of the amounts charged over the amounts credited to this special account at any time not to exceed | 50,000 | |
| | ROYAL CANADIAN MOUNTED POLICE | | |
| 547 | To authorize and provide for the operation of a revolving fund in accordance with Section 58 of The Financial Administration Act for the purpose of acquiring and managing material to be used in the manufacture of uniforms, the amount to be charged to the revolving fund at any time not to exceed | 250,000 | |
| | TRANSPORT | | |
| | <i>Air Services</i> | | |
| 548 | To provide for recoverable advances to enable extension of Northwest Communication System facilities between Edmonton and the Yukon-Alaska border | 427,000 | |
| 549 | Advances, subject to the approval of the Governor in Council, to meet fifty per cent of the cost of establishing a radio relay system between Ashcroft and Prince George, British Columbia | 300,000 | |

SCHEDULE A—Concluded

| No. of Vote | Service | Amount | Total |
|-------------------|--|------------|----------------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES—Concluded | | |
| | TRANSPORT—Concluded | | |
| | National Harbours Board | | |
| 550 | Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1953 on any or all of the following accounts: Reconstruction and Capital Expenditures— Three Rivers.....\$ 475,000 Montreal..... 3,173,000 Vancouver..... 2,055,000 \$5,703,000 Less—Amount to be expended from Replacement and other Funds..... 1,390,000 | 4,313,000 | |
| | VETERANS AFFAIRS | | |
| | Soldier Settlement and Veterans' Land Act | | |
| 551 | To provide for protection of security—Soldier Settlement, and refunds of surplus to veterans..... | 15,000 | |
| 552 | To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; refunds to veterans (Sections 9A and 19); and for protection of security under the Veterans' Land Act..... | 18,650,000 | |
| | | | 40,006,980 |
| | | | *3,208,591,544 |

* Net total \$2,670,917,028.82.

SCHEDULE B.

Based on the Supplementary Estimates, 1953-54. The amount hereby granted is \$41,237,118, being the amount of each of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1954, and the purposes for which they are granted.

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------|-------|
| | | \$ | \$ |
| | AGRICULTURE | | |
| | SCIENCE SERVICE | | |
| 635 | Science Service Administration— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required | 224,000 | |
| 636 | Botany and Plant Pathology— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required | 36,500 | |
| 637 | Forest Biology— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required | 72,500 | |
| | EXPERIMENTAL FARMS SERVICE | | |
| 638 | Central Experimental Farm, including Research and Co- ordinating Divisions for the Experimental Farms Service— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required | 96,000 | |
| 639 | Branch Experimental Farms, Sub-Stations and Illustration Stations— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required | 66,000 | |
| | PRODUCTION SERVICE | | |
| 640 | Animal Pathology— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required | 47,600 | |
| 641 | Health of Animals— To provide for the payment of compensation to owners of animals or poultry affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances unprovided for under the above Act and Regulations thereunder, in the amounts detailed in the Estimates; and to owners of Canadian cattle which strayed across the International Boundary into the United States and were destroyed by United States officials in accordance with the provisions of Section 306 (a) of the United States Tariff Act of 1930, during the time that Canada was listed by the United States Government as a country where Foot and Mouth Disease existed, each individual claim to be subject to the approval of the Governor in Council. | 14,031 | |
| 642 | To authorize payments on account of agreements to be entered into with the approval of the Governor in Council with the Fairs and Exhibitions detailed in the Estimates, such payments to be charged to Vote 28, Main Estimates 1953-54. | | 1 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-----------|
| | | \$ | \$ |
| | AGRICULTURE—Concluded | | |
| | MARKETING SERVICE | | |
| 643 | Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates—Further amount required..... | 170,206 | |
| | SPECIAL | | |
| 644 | Land Protection, Reclamation and Development in British Columbia under such terms and conditions as may be approved by the Governor in Council—Further amount required..... | 36,000 | |
| 645 | Land Protection and Reclamation; Clearing and Settlement of New Lands under such terms and conditions as may be approved by the Governor in Council—Further amount required..... | 450,000 | 1,212,838 |
| | CANADIAN BROADCASTING CORPORATION | | |
| | INTERNATIONAL SHORTWAVE BROADCASTING SERVICE | | |
| 646 | Maintenance and Operation—Further amount required..... | 45,150 | |
| 647 | Construction or Acquisition of Buildings, Works, Land and New Equipment, including Supervision—Further amount required..... | 157,668 | 202,818 |
| | CITIZENSHIP AND IMMIGRATION | | |
| | CITIZENSHIP | | |
| 648 | Citizenship Branch—Further amount required..... | 225,000 | |
| | IMMIGRATION BRANCH | | |
| 649 | To provide, subject to the approval of Treasury Board, for Trans-Oceanic and Inland Transportation Assistance for Immigrants, including care en route and while awaiting employment—Further amount required..... | 1,000,000 | |
| | INDIAN AFFAIRS BRANCH | | |
| | Indian Agencies— | | |
| 650 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 43,000 | |
| | Reserves and Trusts— | | |
| 651 | Acquisition of Land—Further amount required..... | 70,000 | |
| | Education— | | |
| 652 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 149,000 | 1,487,000 |

SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|-------------------|---|---------|--------|
| | | \$ | \$ |
| | EXTERNAL AFFAIRS | | |
| | B—GENERAL | | |
| 653 | To provide for the Canadian Government's Assessment for Membership in International and Commonwealth Organizations, as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of April, 1953—Further amount required..... | 16,195 | |
| | NORTH ATLANTIC TREATY ORGANIZATION | | |
| 654 | To provide, subject to the approval of the Governor General in Council and notwithstanding anything to the contrary in the Civil Service Act, for special administrative expenses, including payment of remuneration, in connection with the assignment by the Canadian Government of Canadians to the international staff of the North Atlantic Treaty Organization (part recoverable from the North Atlantic Treaty Organization)—Further amount required..... | 22,000 | 38,195 |
| | FINANCE | | |
| | ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS | | |
| 655 | Administration of The Farm Improvement Loans Act, 1944, and The Veterans' Business and Professional Loans Act, 1946—Further amount required..... | 5,000 | |
| | CONTINGENCIES AND MISCELLANEOUS | | |
| 656 | To provide, subject to the approval of the Treasury Board, for miscellaneous minor and unforeseen expenses including authority to re-use any sums repaid to this appropriation from other appropriations, and special compensation or other rewards for inventions or practical suggestions for improvements—Further amount required..... | 500,000 | |
| 657 | To authorize the Custodian to transfer to the Minister of Finance from time to time, such of the assets (and the proceeds of liquidation thereof and earnings thereon) vested in him in respect of World War 2 that were formerly owned by residents of Hungary or Roumania as the Minister of Finance prescribes, the proceeds thereof to be credited to the War Claims Fund to reimburse the Fund pro tanto for amounts that claimants are entitled to receive from Hungary and Roumania under the Treaties of Peace but which have been paid to the claimants out of the War Claims Fund under the War Claims Rules, and for the expenses of investigating their claims..... | 1 | |
| | MISCELLANEOUS GRANTS | | |
| 658 | Canadian Council of the Girl Guides Association—Further amount required..... | 3,000 | |
| 659 | Grant towards the expenses of the Convention of the World Woman's Christian Temperance Union to be held in June, 1953..... | 5,000 | |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|-----------|
| | | \$ | \$ |
| | FINANCE—Concluded | | |
| | MISCELLANEOUS GRANTS—Concluded | | |
| 660 | To provide for the purchase of Canadian wood to be contributed for the restoration of the Canadian Room on the premises of the Royal Empire Society in London, originally provided by Canada and subsequently destroyed by enemy action during World War 2..... | 6,000 | 519,001 |
| | | | |
| | FISHERIES | | |
| | GENERAL SERVICES | | |
| 661 | Industrial Development Service—Further amount required.. | 1,000,000 | |
| | FIELD SERVICES | | |
| 662 | Protection Branch— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 21,000 | |
| 663 | Fish Culture and Development Branch— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 150,000 | |
| | FISHERIES RESEARCH BOARD OF CANADA | | |
| 664 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 50,000 | |
| 665 | To provide for Federal share of administrative expenses of the Great Lakes Fisheries Research Committee to be established jointly with the Province of Ontario; and to provide for a programme designed to eliminate lampreys in the Great Lakes..... | 60,000 | |
| | SPECIAL | | |
| 666 | To authorize the Minister of Fisheries, on behalf of the Government of Canada, to enter into an agreement with the Government of Newfoundland, subject to the approval of the Governor in Council, which shall provide for the operation by Newfoundland of the Newfoundland Bait Services and which may provide for the transfer to Newfoundland of property pertaining thereto; and to provide for a payment to Newfoundland in accordance with the said agreement.. | 1,250,000 | |
| 667 | To provide for a contribution towards the cost of construction of a public aquarium at Vancouver, B.C., in accordance with an agreement to be entered into by the Minister of Fisheries with the approval of the Governor in Council whereby adequate facilities are to be made available to the Fisheries Research Board, the total cost to be borne in equal shares by the Government of Canada, the Government of British Columbia and the City of Vancouver, the contribution of the Government of Canada not to exceed... | 100,000 | 2,631,000 |

SCHEDULE B—*Continued*

| No. of Vote | Service | Amount | Total |
|-------------------|---|--------|---------|
| | | \$ | \$ |
| | JUSTICE | | |
| | A—DEPARTMENT | | |
| 668 | Yukon Territorial Court— Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 25,000 | |
| 669 | Yukon Territory— Construction or Acquisition of Buildings, Works, Land and New Equipment..... | 25,000 | |
| | B—PENITENTIARIES | | |
| 670 | Construction, Improvements and New Equipment, including provision for the establishment and construction of a new institution in the Province of Quebec for the confinement and reformation of Federal prisoners—Further amount required..... | 87,555 | 137,555 |
| | LABOUR | | |
| | GOVERNMENT EMPLOYEES COMPENSATION | | |
| 671 | Administration of the Government Employees Compensation Act—Further amount required..... | 8,500 | |
| | TERMINABLE SERVICES | | |
| 672 | To publicize amendments to the Merchant Seamen Compensa- tion Act..... | 5,000 | 13,500 |
| | LEGISLATION | | |
| | THE SENATE | | |
| 673 | To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment of the full sessional indemnity for the Seventh Session of the Twenty- first Parliament, 1952-53, to Members of the Senate for days lost through absence caused by public business, by illness, or on account of death. Payments to be made as the Treasury Board may direct..... | 12,000 | |
| | HOUSE OF COMMONS | | |
| 674 | To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment of the full sessional indemnity for the Seventh Session of the Twenty- first Parliament, 1952-53, to Members of the House of Commons for days lost through absence caused by public business, by illness, or on account of death. Payments to be made as the Treasury Board may direct. Each such payment to be deemed, for the purposes of the Members of Parliament Retiring Allowances Act, to be part of the sessional indemnity of the Member for the session in respect of which he received it..... | 6,000 | |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------|-----------|
| | | \$ | \$ |
| | LEGISLATION—Concluded | | |
| | LIBRARY OF PARLIAMENT | | |
| 675 | General Administration—Further amount required..... | 98,000 | 116,000 |
| | MINES AND TECHNICAL SURVEYS | | |
| | B—DOMINION COAL BOARD | | |
| 676 | Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—Further amount required..... | | 2,220,000 |
| | NATIONAL DEFENCE | | |
| | PENSIONS AND OTHER BENEFITS | | |
| 677 | To authorize the Governor in Council to regard the election to count prior service for the purposes of the Civil Service Superannuation Act, made by the Public Curator of the Province of Quebec on behalf of Georges Rene Boivin, a contributor, as a valid election pursuant to Section 5 of that Act..... | | 1 |
| | NATIONAL HEALTH AND WELFARE | | |
| | NATIONAL HEALTH BRANCH | | |
| | Health Services | | |
| 678 | Sick Mariners Treatment Services—Further amount required.. | 100,000 | |
| | Laboratory of Hygiene— | | |
| 679 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 300,000 | |
| | Indians and Eskimos Health Services— | | |
| 680 | Operation and Maintenance—Further amount required.... | 800,000 | |
| 681 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 86,000 | |
| 682 | Special Technical Services—Further amount required..... | 30,000 | |
| | WELFARE BRANCH | | |
| | National Physical Fitness Act— | | |
| 683 | To provide for the administration of the Act, the sum hereby provided, notwithstanding Sections 8 and 9 of the said Act, to be credited to a separate account in the Consolidated Revenue Fund, to be subject to Section 35 of The Financial Administration Act and to be paid out by the Minister of Finance upon the requisition of the Minister of National Health and Welfare—Further amount required..... | 12,400 | 1,328,400 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD | | |
| | NATIONAL RESEARCH COUNCIL | | |
| 684 | Salaries and Other Expenses—Further amount required..... | 70,000 | |
| | ATOMIC ENERGY CONTROL BOARD | | |
| 685 | Atomic Energy of Canada Limited (Research Program)— Construction or Acquisition of Buildings, Works, Land and New Equipment, and to authorize Central Mortgage and Housing Corporation to undertake construction of works at Deep River for Atomic Energy of Canada Limited—Further amount required..... | 75,000 | 145,000 |
| | NATIONAL REVENUE | | |
| | CUSTOMS AND EXCISE DIVISIONS | | |
| 686 | General Administration—Further amount required..... | 65,270 | |
| 687 | Inspection, Investigation and Audit Services—Further amount required..... | 40,270 | |
| 688 | Ports, Outports and Preventive Stations— Operation and Maintenance—Further amount required.... | 235,580 | 341,120 |
| | POST OFFICE | | |
| 689 | Operations—Including salaries and other expenses of Staff Post Offices, District Offices, Railway Mail Service Staffs, and supplies, equipment and other items for Revenue Post Offices, also including Administration—Further amount required..... | 965,080 | |
| 690 | Transportation—Movement of Mail by Land, Air and Water, including Administration—Further amount required..... | 2,969,773 | 3,934,853 |
| | PUBLIC PRINTING AND STATIONERY | | |
| 691 | Plant Equipment and Replacements—Further amount required | 104,323 | |
| 692 | Distribution of Official Documents—Further amount required.. | 6,012 | 110,335 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | PUBLIC WORKS | | |
| | ARCHITECTURAL BRANCH | | |
| | Acquisition, Construction and Improvements of Public Buildings | | |
| | Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required— | | |
| 693 | Newfoundland..... | 100,000 | |
| 694 | Nova Scotia..... | 200,000 | |
| 695 | Prince Edward Island..... | 25,000 | |
| 696 | New Brunswick..... | 1 | |
| 697 | Quebec..... | 1 | |
| 698 | Ottawa..... | 400,000 | |
| 699 | Ontario (other than Ottawa)..... | 1 | |
| 700 | Manitoba..... | 35,000 | |
| 701 | Saskatchewan..... | 50,000 | |
| 702 | Alberta..... | 1 | |
| 703 | British Columbia..... | 200,000 | |
| | ENGINEERING BRANCH | | |
| | Engineering Services— | | |
| 704 | Salaries, Surveys, Inspections, etc.—Further amount required..... | 56,000 | |
| 705 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 10,000 | |
| | Graving Docks | | |
| 706 | Prince Rupert Dry Dock and Shipyard and appurtenant works—To provide for operating losses and essential repairs for the fiscal year 1952-53..... | 140,000 | |
| | Acquisition, Construction and Improvements of Harbour and River Works | | |
| | Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—Further amounts required— | | |
| 707 | Newfoundland..... | 585,000 | |
| 708 | Nova Scotia..... | 450,000 | |
| 709 | Prince Edward Island..... | 130,000 | |
| 710 | New Brunswick..... | 380,000 | |
| 711 | Quebec..... | 700,000 | |
| 712 | Ontario..... | 400,000 | |
| 713 | Manitoba..... | 79,000 | |
| 714 | Saskatchewan, Alberta and Northwest Territories..... | 103,500 | |
| 715 | British Columbia and Yukon..... | 1,285,000 | |
| | Generally | | |
| 716 | Grand River—Contribution towards improvements—To complete..... | 10,500 | |
| 717 | Protection Works Generally—Further amount required..... | 250,000 | |
| | | | 5,589,004 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | RESOURCES AND DEVELOPMENT | | |
| | NATIONAL PARKS BRANCH | | |
| | National Parks and Historic Sites Services— | | |
| 718 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 154,500 | |
| 719 | National Battlefields Commission—To provide for special works at National Battlefields Park, Quebec..... | 4,000 | |
| | ENGINEERING AND WATER RESOURCES BRANCH | | |
| | Water Resources Division— | | |
| 720 | To provide for studies and surveys of the Red River Basin in Canada, including Assiniboine and Pembina Rivers.... | 27,160 | |
| | Engineering and Architectural Division— | | |
| 721 | To provide for a contribution to the cost of constructing a dam on the Conestogo River near Glen Allan, Ontario, for the purposes of flood control and water conservation, in accordance with the terms of an agreement to be entered into between Canada and the Province of Ontario..... | 1,000,000 | |
| 722 | To provide for a contribution to the cost of constructing a dam on the Upper Thames River near Fanshawe, Ontario, for the purposes of flood control and conservation, in accordance with the terms of an agreement between Canada, the Province of Ontario and the Upper Thames River Conservation Authority..... | 145,000 | |
| 723 | To provide for a contribution by Canada to the improvement and reconstruction of the road between Patricia Bay Airport, Vancouver Island, and the city limits of Victoria, B.C., in accordance with the terms of the agreement between Canada and the Province of British Columbia..... | 48,000 | |
| | NORTHERN ADMINISTRATION AND LANDS BRANCH | | |
| | Northern Administration Division— | | |
| | Northwest Territories, including Wood Buffalo Park and Eskimo Affairs— | | |
| 724 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 44,250 | |
| | Forest Conservation and Wildlife Management, including Wood Buffalo Park— | | |
| 725 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.. | 4,050 | |
| 726 | Yukon Territory, including Forest Conservation— | | |
| | Operation and Maintenance—Further amount required | 59,200 | |
| | GENERAL | | |
| 727 | To provide for the restoration of the special account in the Consolidated Revenue Fund established by Section 35 of The National Housing Act by the amount paid out of the special account during the fiscal year 1952-53 in respect of: | | |
| | (a) Preliminary expenses incurred under enabling agreements with Provincial Governments..... | \$5,840 | |
| | (b) Loss on housing project operation during the fiscal year 1952-53..... | 5,636 | |
| | | 11,476 | |
| | | | 1,497,636 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-----------|
| | | \$ | \$ |
| | ROYAL CANADIAN MOUNTED POLICE | | |
| | Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses— | | |
| 728 | Operation and Maintenance—Further amount required..... | 200,000 | |
| 729 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 165,750 | |
| | Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses— | | |
| 730 | Operation and Maintenance—Further amount required..... | 51,453 | |
| 731 | Grant to the Royal North West Mounted Police Veterans' Association..... | 300 | |
| | PENSIONS AND OTHER BENEFITS | | |
| 732 | Government's contribution to the Royal Canadian Mounted Police Pension Account..... | 694,712 | 1,112,215 |
| | SECRETARY OF STATE | | |
| 733 | Departmental Administration—Further amount required..... | 5,000 | |
| 734 | Companies Branch—Further amount required..... | 3,200 | |
| | SPECIAL | | |
| 735 | To provide for special expenditures by all Departments in connection with the Coronation of Her Majesty Queen Elizabeth II..... | 1,000,000 | 1,008,200 |
| | TRANSPORT | | |
| | A—DEPARTMENT | | |
| | CANAL SERVICES | | |
| 736 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 176,275 | |
| 737 | To provide for expenses in connection with the St. Lawrence Ship Canal Surveys and Investigations—Further amount required..... | 270,000 | |
| | MARINE SERVICES | | |
| | Marine Service Steamers— | | |
| 738 | Operation, Maintenance and Repairs—Further amount required..... | 295,521 | |
| 739 | Construction or Acquisition of Vessels and Equipment, as detailed in the Estimates—Capital—Further amount required..... | 1,143,430 | |
| | Aids to Navigation— | | |
| 740 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 75,000 | |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-------|
| | | \$ | \$ |
| | TRANSPORT—Continued | | |
| | A—DEPARTMENT—Continued | | |
| | RAILWAY AND STEAMSHIP SERVICES | | |
| | Hudson Bay Railway— | | |
| 741 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital—Further amount required.. | 19,700 | |
| 742 | Construction of New Dock and Terminal Facilities at Port-aux-Basques, Newfoundland—Capital—Further amount required..... | 150,000 | |
| 743 | Construction or Acquisition of Auto-Ferry Vessels, as detailed in the Estimates—Capital—Further amount required.... | 250,000 | |
| | Air SERVICES | | |
| | Telecommunications Division | | |
| | Airways and Airports—Radio Aviation Services— | | |
| 744 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital—Further amount required.. | 176,313 | |
| | Radio Act and Regulations— | | |
| 745 | Administration, Operation and Maintenance, including contributions as Canada's share of the administrative costs of various international radio, telegraph and telephone conferences, as detailed in the Estimates—Further amount required..... | 25,750 | |
| 746 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 13,500 | |
| | Radio Aids to Marine Navigation— | | |
| 747 | Administration, Operation and Maintenance—Further amount required..... | 77,600 | |
| 748 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 124,000 | |
| | Telegraph and Telephone Service— | | |
| 749 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 144,600 | |
| | Northwest Communication System— | | |
| 750 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital—Further amount required.. | 53,000 | |
| | Meteorological Division | | |
| 751 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required..... | 35,000 | |
| | Civil Aviation Division | | |
| | Airways and Airports— | | |
| | Construction Services— | | |
| 752 | Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital—Further amount required..... | 1,113,000 | |
| 753 | Contributions, subject to the approval of the Governor in Council, to assist municipalities in the development of and improvement to airports, the sites of which have been provided by such municipalities—Further amount required.. | 74,600 | |
| 754 | Contributions, as specified in the details of the Estimates, to other Governments or International Agencies for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of April, 1953—Further amount required..... | 9,157 | |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|--|---------|-----------|
| | | \$ | \$ |
| | TRANSPORT—Concluded | | |
| | A—DEPARTMENT—Concluded | | |
| | AIR SERVICES—Concluded | | |
| | Civil Aviation Division—Concluded | | |
| 755 | To authorize the Minister of Transport to undertake to purchase, from Federal Government employees, lots purchased by them in the Townsite of Gander, Newfoundland, and houses and related works constructed on such lots..... | 1 | |
| | B—GENERAL | | |
| | CANADIAN MARITIME COMMISSION | | |
| 756 | Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required..... | 5,000 | |
| | NATIONAL HARBOURS BOARD | | |
| 757 | Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1953 on the following account: Reconstruction and Capital Expenditures—Halifax—Further amount required..... | 200,000 | 4,431,447 |
| | VETERANS AFFAIRS | | |
| | WAR VETERANS ALLOWANCES AND OTHER BENEFITS | | |
| 758 | Assistance Fund (War Veterans Allowances)—Further amount required..... | 100,000 | |
| 759 | Hospital and Other Allowances—Further amount required.... | 250,000 | |
| | CANADIAN PENSION COMMISSION | | |
| 760 | Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards—Further amount required..... | 600,000 | |
| | TERMINABLE SERVICES | | |
| 761 | Post Discharge Rehabilitation Benefits, including the training of Merchant Seamen and Salt Water Fishermen Pensioners—Further amount required..... | 100,000 | 1,050,000 |

SCHEDULE B—Continued

| No. of Vote | Service | Amount | Total |
|-------------------|---|-----------|-------|
| | | \$ | \$ |
| | LOANS, INVESTMENTS AND ADVANCES | | |
| | AGRICULTURE | | |
| 762 | To authorize and provide for the operation of a revolving fund in accordance with the provisions of Section 58 of The Financial Administration Act, for the purposes of financing the production of improved and new varieties of seeds, including administrative expenses, and the acquiring of livestock for experimental purposes; the amount to be charged to the revolving fund at any one time not to exceed \$629,000, of which \$250,000 has already been provided under Vote 556, Appropriation Act, No. 4, 1952..... | 370,000 | |
| | CENTRAL MORTGAGE AND HOUSING CORPORATION | | |
| 763 | To provide for the restoration of the special account in the Consolidated Revenue Fund established by Section 35 of the National Housing Act by the amount paid out of the special account in respect of housing and land development projects undertaken jointly with the governments of the provinces during the fiscal year 1952-53..... | 9,000,000 | |
| | FINANCE | | |
| 764 | To authorize and provide for loans to the Civil Service Co-Operative Credit Society, Limited, on such terms and conditions as the Governor in Council may approve..... | 100,000 | |
| | FISHERIES | | |
| 765 | To provide for an advance to the Government of Nova Scotia in accordance with the terms of an agreement between the Government of Canada and the Government of Nova Scotia, to be entered into with the approval of the Governor in Council, in an amount not exceeding one-half of loans made by the Government of Nova Scotia to fishermen for the purpose of replacing abnormal losses of equipment suffered by reason of severe weather conditions in the 1951-52 fishing season..... | 80,000 | |
| 766 | To authorize and provide for the establishment of one or more special accounts in the Consolidated Revenue Fund for the purposes of a plan to be known as the Fishermen's Indemnity and Loan Plan, to be administered in accordance with regulations of the Governor in Council, for the purpose of assisting fishermen to meet abnormal capital losses; and to authorize payment from the accounts in the current and subsequent fiscal years, in accordance with the regulations, of indemnities, loans and administrative expenses, the accounts to be credited with all amounts received by way of premiums, recoveries and repayments, and with advances to the said accounts in accordance with the regulations, such advances not at any time to exceed..... | 250,000 | |
| | TRANSPORT | | |
| | Air Services | | |
| 767 | To provide for recoverable advances to enable extension of Northwest Communication System facilities between Edmonton and the Yukon-Alaska border—Further amount required..... | 61,000 | |

SCHEDULE B—Concluded

| No. of Vote | Service | Amount | Total |
|-------------------|--|-----------|------------|
| | <p>LOANS, INVESTMENTS AND ADVANCES —Concluded</p> <p>TRANSPORT—Concluded</p> <p>National Harbours Board</p> | \$ | \$ |
| 768 | <p>Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1953 on the following account: Reconstruction and Capital Expenditures—Montreal— Further amount required.....</p> | 600,000 | |
| | <p>VETERANS AFFAIRS</p> <p>Soldier Settlement and Veterans' Land Act</p> | | |
| 769 | <p>To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; refunds to veterans (Sections 9A and 19); and for protection of security under the Veterans' Land Act—Further amount required.....</p> | 1,650,000 | 12,111,000 |
| | Total..... | | 41,237,118 |

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

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*There are a certain number of Acts, in force before 1927, which have not been repealed and have not been consolidated for the Revised Statutes, 1927. Therefore as those Acts are still in force they are included in this Table.

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